[Ferguson] Design

Charles II

THE
Design of Enslaving ENGLAND
DISCOVERED.

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THE
Design of Enslaving *ENGLAND*
DISCOVERED
In the Incroachments upon the Powers and Privileges of Parliament, by K. *Charles* II.

BEING

A New corrected Impression of that Excellent Piece,

INTITULED,

A Just and Modest VINDICATION of the

PROCEEDINGS
OF THE
Two Last Parliaments
OF
King *CHARLES* the Second.

[Robert Ferguson]

LONDON;
Printed for Richard Baldwin near the Black Bull in the *Old-Baily*. MDCLXXXIX.

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A Juſt and Modeſt Vindication of the Proceedings of the two laſt PARLIAMENTS *of K.* CHARLES *the Second.*

THE Amazement which ſeiz'd every good Man upon the unlook'd-for Diſſolution of two Parliaments, within three Months, was not greater than at the ſight of a Declaration pretending to juſtify, and give Reaſons for ſuch extraordinary Proceedings.

It is not to be denied, but that our Kings have in a great meaſure been intruſted by the Kingdom with the appointment of the Times of Parliaments Sitting, and declaring their Diſſolutions. But leſt through defect of Age, Experience, or Underſtanding, they ſhould at any time forget, or miſtake our Conſtitution; or by Paſſion, private Intereſt, or the Influence of ill Counſellors, be ſo far miſled as not to Aſſemble Parliaments when the Publick Affairs require it; or to declare them Diſſolved, before the Ends of their Meeting were accompliſhed: The Wiſdom of our Anceſtors has provided, by divers Statutes, both for the holding Parliaments annually, and oftner if need be; and that they ſhould not be Prorogued or Diſſolved till all the Petitions and Bills before them were anſwered and redreſſed.

4 Edw. 3. c. 14.
36 Ed. 3. c. 10.
See the Parliament Roll, 2 Ric. 2. num. 28.

The Conſtitution had been equally imperfect and deſtructive of it ſelf, had it been left to the Will and Choice of the Prince whether he would ever ſummon a Parliament, or put into his Power to diſmiſs them Arbitrarily at his pleaſure.

See the Antiq. modo tenend. Parliament.

That Parliaments ſhould be called, and ſit, according to the Laws, is ſecured to us by the ſame Sacred Tie, by which the King at his Coronation obliges himſelf, to let his Judges ſit to diſtribute Juſtice every Term, and to preſerve inviolably all other Rights and Liberties of his Subjects. Therefore abruptly to Diſſolve Parliaments at ſuch a Time, when nothing but

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the Legiſlative Power, and the united Wiſdom of the Kingdom could relieve us from our Juſt Fears, or ſecure us from our certain Dangers, is very unſuitable to the great Truſt repoſed in the Prince, and ſeems to expreſs but little of that affection which we will always hope his Majeſty bears towards his People and the Proteſtant Religion.

But 'tis not only of the Diſſolution it ſelf that we complain; the manner of doing it, is unwarranted by the Precedents of former Times, and full of dangerous Conſequents. We are taught by the Writ of Summons, that Parliaments are never called without the Advice of the Council; and the Uſage of all Ages has been never to ſend them away without the ſame Advice. To forſake this ſafe Method, is to expoſe the King perſonally to the Reflections and Cenſures of the whole Nation for ſo ungrateful an Action.

Our Laws have taken care to make the King always dear to his People, and to preſerve his Perſon Sacred in their Eſteem, by wiſely preventing him from appearing as Author of any thing which may be unacceptable to them. 'Tis therefore that he doth not Execute any conſiderable Act of Regal Power, till it be firſt debated and reſolved in Council, becauſe then 'tis the Counſellors muſt anſwer for the Advice they give, and are puniſhable for ſuch Orders as are Irregular and Illegal.

Nor can his Miniſters juſtify any unlawful Action under the colour of the King's Commands, ſince all his Commands that are contrary to Law, are void; (which is the true Reaſon of that well-known *Maxim, That the King can do no Wrong*). A *Maxim* juſt in it ſelf, and alike ſafe for the Prince, and for the Subject, there being nothing more abſurd, than that a Favourite ſhould excuſe his enormous Actings by a pretended Command, which we may reaſonably ſuppoſe he firſt procured to be laid upon himſelf: But we know not whom to charge with Adviſing this laſt Diſſolution: It was a Work of Darkneſs; and if we are not miſinform'd, the Privy Council was as much ſurpriz'd at it as the Nation.

Nor will a future Parliament be able to charge any Body, as the Author or Adviſer of the late printed Paper, which bears the Title of *His Majeſty's Declaration*, though every good Subject ought to be careful how he calls it ſo. For his Majeſty never ſpeaks to his People as a King, but either perſonally in his

his Parliament, or at other times under his Seal, for which the Chancellor, or other Officers are reſponſible, if what paſſes them be not warranted by Law. Nor can the Direction of the Privy Council, enforce any thing upon the People, unleſs that Royal and Legal Stamp gives it an Authority. But this Declaration comes abroad without any ſuch Sanction, and there is no other Ground to aſcribe it to his Majeſty, than the uncertain Credit of the Printer, whom we will eaſily ſuſpect of an Impoſture, rather than think the King would deviate from the approved courſe of his Illuſtrious Anceſtors, to purſue a New and Unſuccesful Method.

The firſt Declaration of this ſort which I ever met with, being that which was publiſhed in the Year 1628; which was ſo far from anſwering the Ends of its coming out, that it filled the whole Kingdom with Jealouſies, and was one of the firſt ſad Cauſes of the enſuing unhappy War.

The Truth is, Declarations to juſtify what Princes do, muſt always be either needleſs or ineffectual. Their Actions ought to be ſuch as may recommend themſelves to the World, and carry their own Evidence along with them of their uſefulneſs to the Publick; and then no Arts to juſtifiy them will be neceſſary. When a Prince deſcends ſo low as to give his Subjects Reaſons for what he has done, he not only makes them Judges whether there be any weight in thoſe Reaſons, but by ſo unuſual a ſubmiſſion gives cauſe to ſuſpect, that he is conſcious to himſelf that his Actions want an Apology. And if they are indeed unjuſtifiable, if they are oppoſite to the Inclinations, and apparently deſtructive of the Intereſt of his Subjects, it will be very difficult for the moſt Eloquent or Inſinuating Declaration, to make them in love with ſuch things. And therefore they did certainly undertake no eaſy Task in pretending to perſwade Men who ſee themſelves expoſed to the reſtleſs Malice of their Enemies, who obſerve the languiſhing Condition of the Nation, and that nothing but a Parliament can provide Remedies for the great Evils which they Feel and Fear; that two ſeveral Parliaments, upon whom they had placed all their hopes, were ſo ſuddenly broken, out of kindneſs to them, or with any regared to their Advantage. It was generally believed, that this Age would not have ſeen another Declaration, ſince * *Coleman*'s was ſo unluckily publiſhed before its time: Not only becauſe thereby the

* *See the Declaration prepared by* Coleman, *by the Advice of the French King's Confeſſor, for diſſolving the Parliament to prepare for Popery.*

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World was taught how little they ought to rely upon the ſincerity of ſuch kind of Writings; but becauſe that was a Maſterpiece which could hardly be equall'd, and our preſent Miniſters may well be out of Countenance, to ſee their Copy fall ſo very much ſhort of the Original.

But ſhould this Declaration be ſuffered to go abroad any longer, under the Royal Name, yet it will never be thought to have proceeded from his Majeſties Inclination, or his Judgment, but to be gained from him by the Artifices of the ſame ill Men, who not being content to have prevailed with him to Diſſolve two Parliaments, only to protect them from publick Juſtice, do now hope to excuſe themſelves from being thought the Authors of that Counſel, by making him openly to avow it. But they have diſcovered themſelves to the Kingdom, and have told their own Names, when they number amongſt the great Crimes of the Houſe of Commons, their having *Declared divers Eminent Perſons to be Enemies to the King and Kingdom.*

'Tis our happineſs that the Cunning of theſe *Eminent Perſons* is not equal to their Malice, in that they ſhould thus unwarily make themſelves known when they had ſo ſecretly, and with ſo much Caution, given the pernicious Advice. None could be offended at the proceedings of the Parliaments, but they who were obnoxious; none could be concerned to vindicate the Diſſolution, but they who had adviſed it. But they have performed this laſt Undertaking after ſuch a ſort, that they have left themſelves not only without Juſtification, but without all pretence hereafter. The People were willing to think it the Unfortunate Effect of ſome ſuddain and precipitate Reſolution; but ſince they have now publickly aſſured us, that it was the Reſult of Counſel and Deliberation, they cannot blame us for hoping one day to ſee Juſtice done upon ſuch Counſellors.

But though to the Diſhonour of our Country it does appear, that ſome *Engliſh*-men were concerned in the unhappy Advice of breaking the two laſt Parliaments, and ſetting up this pretended Defence of it; yet the *Galliſcims* which are found in the Paper, ſhew the Writer to have been of another Nation, or at leaſt to have had his Thonghts ſo much taken up for the Intereſts of *France* (whilſt he was labouring this way to heighten and perpetuate the Differences between the King and his People) that he could not expreſs himſelf in any other *Idiom* than theirs,

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he would not otherwiſe have introduced the King, ſaying, That *it was a Matter extreamly ſenſible to Us*; a Form of Speech peculiar to the *French*, and unknown to any other Nation. The Reader (who underſtands that Language) will obſerve ſo many more of this kind, as will give him juſt cauſe to doubt, whether the whole Paper was not a Tranſlation, and whether the *Engliſh* one, or that which was publiſhed in *French*, was the Original?

Let us theu no longer wonder, that the time of Diſſolving our Parliaments, is known at *Paris* ſooner than at *London*, ſince 'tis probable, the Reaſons now given for it, were formed there too. The Peers at *Oxford* were ſo totally ignorant of the Council, that they never once thought of a Diſſolution till they heard it pronounced; but the Dutcheſs of *Mazarine* had better Intelligence, and publiſhed the News at St. *James*'s many hours before it was done. The Declaration was not communicated to the Privy Council, till *Friday* the 8th. of *April*, when his Majeſty (according to the late Method) did graciouſly declare to them his pleaſure, to ſet it forth, without deſiring from them any Advice in the matter; but Monſieur *Barillon*, the *French* Ambaſſador, did not only read it to a Gentleman the fifth of *April*, but adviſed with him about it, and demanded his Opinion of it, which his Excellency will the better remember, becauſe of the great Liberty which the Perſon took in ridiculing it to his Face. *Good God! to what a Condition is this Kingdom reduced, when the Miniſters and Agents of the only Prince in the World, who can have Deſigns againſt, or of whom we ought to be afraid, are not only made acquainted with the moſt ſecret Paſſages of State, but are made our Chief Miniſters too, and have the principal Conduct of our Affairs.* And let the World judg if the Commons had not reaſon for their Vote, when they declared thoſe *Eminent Perſons*, who manage things at this rate, *To be the Enemies to the King and Kingdom, and Promoters of the* French *Intereſt.*

Whoſoever conſiders the Actions of our Great Men, will not think it ſtrange that they ſhould be hard put to it to find out Reaſons which they might give for any of them, and they have had very ill luck whenever they went about it. That Reaſon which they had given for Diſſolving three ſeveral Parliaments ſucceſſively, is now grown ridiculous, *That the King was reſolved to meet his People, and to have their Advice in frequent Parliaments,*

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ments, ſince every Man took notice, that as ſoon as the Miniſters began to ſuſpect that his Majeſty was inclined to hearken to, and purſue their Advice; thoſe very Parliaments were preſently Diſſolved. This was all the Ground and Cauſe, which was thought of for breaking the laſt Parliament at *Weſtminſter*, when the Proclamation of the 18*th* of *January*, 1680, was publiſhed; but they have now conſiderred better, and have found out faults enough to ſwell into a Declaration; and yet as much offended as they are with this Parliament, they ſeem more highly angry with that which followed at *Oxford*.

Nor is it at all ſtrange that it ſhould fall out ſo: For the Court never did yet Diſſolve a Parliament abruptly, and in a Heat, but they found the next Parliament more averſe, and to inſiſt upon the ſame things with greater eagerneſs than the former. *Engliſh* Spirits reſent no Affronts ſo highly as thoſe which are done to their Repreſentatives; and the Court will be ſure to find the Effects of that Reſentment in the next Election. A Parliament does ever participate of the preſent Temper of the People. Never were Parliaments of more different Complexions than that of 1640, and that of 1661. Yet they both exactly anſwered the Humours which were predominant in the Nation, when they were reſpectively choſen. And therefore while the People do ſo univerſally hate and fear *France* and *Popery*, and do ſo well underſtand who they are who promote the *French* and *Popiſh* Intereſts, the Favourites do but cozen themſelves to think that they will ever ſend up Repreſentatives leſs zealous to bring them to Juſtice, than thoſe againſt whom this Declaration is publiſhed. For ſurely this Declaration (what great things ſoever may be expected from it) will make but very few Converts, not only becauſe it repreſents things as high Crimes, which the whole Kingdom has been celebrating as meritorious Actions, but becauſe the People have been ſo often deceived by former Declarations, that whatſoever carries that Name, will have no Credit with them for the future. They have not yet forgetten the Declaration from *Breda*, though others forgot it ſo ſoon, and do not ſpare to ſay, that if the ſame Diligence, the ſame earneſt Solicitation, had been made uſe of in that Affair, which have been ſince exerciſed directly contrary to the Deſign of it, there is no doubt but every part of it would have had the deſired

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Succeſs, and all his Majeſty's Subjects would have enjoyed the Fruits of it, and have now been extolling a Prince ſo careful to keep ſacred his Promiſes to the People.

If we did take notice of the ſeveral Declarations, publiſhed ſince that which we have laſt mentioned, we ſhall find they ſignifie as little; and therefore we will only remember the laſt, made the 20*th* of *April* 1679, and declared in Council and in Parliament, and after publiſhed to the whole Nation: Wherein his Majeſty owns that he is *ſenſible of the ill poſture of his Affairs, and the great Jealouſies and Diſſatisfaction of his good Subjects, whereby the Crown and Government was become too weak to preſerve it ſelf, which proceeded from his uſe of a ſingle Miniſtry, and of private Advices; and therefore profeſſes his Reſolution, to lay them wholly aſide for the future, and to be adviſed by thoſe able and worthy Perſons, whom he had then choſen for his Council, in all his weighty and important Affairs.* But every Man muſt acknowledg that either his Majeſty has utterly forgotten this publick and ſolemn Promiſe, or elſe that nothing *weighty and important* has happen'd from that time to this very day.

As for the Declaration read in our Churches the other day, there needs no other Argument to make us doubt of the reality of the Promiſes which it makes, then to conſider how partially, and with how little ſincerity the things which it pretends to relate, are therein repreſented. It begins with telling us in His Majeſty's Name, That *it was with exceeding great Trouble that he was brought to Diſſolve the two laſt Parliaments, without more benefit to the People by the calling of them.* We ſhould queſtion his Majeſty's Wiſdom, did we not believe him to have underſtood, that never Parliaments had greater *Opportunities* of doing good to himſelf and to his People. He could not but be ſenſible of the Dangers, and of the Neceſſities of his Kingdom; and therefore could not *without exceeding great Trouble*, be prevailed upon for the ſake of a few deſperate Men (whom he thought himſelf concern'd to love now, only becauſe he had loved them too well, and truſted them too much before;) not only to diſappoint the Hopes and Expectations of his own People, but of almoſt *Europe*. His Majeſty did indeed *do his part*, ſo far, in *giving Opportunities of providing for our Good*, as the calling of Parliaments does amount to, and it is to be imputed to the Miniſters only,

only, *that the ſucceſs* of them *did not anſwer His* and Our *Expectations.*

'Tis certain it cannot be imputed to any of the Proceedings of either of thoſe Parliament; which were compoſed of Men of as good Sence and Quality as any in the Nation, and proceeded with as great Moderation and managed their Debates with as much temper as was ever known in any Parliament. If they ſeem'd to go too far in any thing, His Majeſty's Speeches or Declarations had miſled them, by ſome of which they had been invited to enter into every one of thoſe Debates, to which ſo much Exception has been ſince taken.

Did he not frequently recommend the *Proſecution of the Plot* to them, *with a ſtrict and impartial Inquiry?* Did he not tell them, *That he neither thought himſelf nor them ſafe, till that matter was gone through with?*

Speech 21. *Octob.* 1680.

Did he not in his Speech of the 30*th* of *April* 1679, aſſure them, that it was *his conſtant Care to ſecure our Religion for the future in all Events, and that in all things which concern'd the publick Security, he would not follow their Zeal but lead it?* Has he not often wiſh'd, *that he might be able to exerciſe a Power of Diſpenſation in reference to thoſe Proteſtants, who through Tenderneſs of miſguided Conſcience did not conform to the Ceremonies, Diſcipline and Government of the Church?* And promiſed that he would *make it his ſpecial Care to incline the Wiſdom of the Parliament to concur with him, in making an Act to that purpoſe?*

Speech 30. *Apr.* 1679.

Speech 26. *Dec.* 1662.

And leſt the Malice of ill Men might object, that theſe Gracious Inclinations of his continued no longer, than while there was a poſſibility of giving the Papiſts equal benefit of a Toleration; Has not his Majeſty, ſince the Diſcovery of the Plot, ſince there was no hopes of getting ſo much as a Convenience for them, in his Speech of the 6*th* of *March* 1679, expreſt *his Zeal* not only *for the Proteſtant Religion in general, but for an Union amongſt all ſorts of Proteſtants?* And did he not command my Lord Chancellor at the ſame time to tell them, *that it was neceſſary to diſtinguiſh between Popiſh and other Recuſants, between them that would deſtroy the whole Flock, and them that only wander from it?*

Speech 6. *March* 1679.

Theſe things conſidered, we ſhould not think the Parliament went too far, but rather that they did not follow his Majeſty's Zeal with an equal pace. The Truth is, if we obſerve the daily

ly provocations of the Popiſh Faction, whoſe Rage and Inſolence were only increaſed by the Diſcovery of the Plot; ſo that they ſeemed to defy Parliaments, as well as Inferior Courts of Juſtice, under the Protection of the Duke, (their publickly avowed Head); who ſtill carried on their Deſigns by new and more deteſtable Methods than ever, and were continually buſy, by Perjuries and Subornations, to charge the beſt and moſt conſiderable Proteſtants in the Kingdom with Treaſons, as black as thoſe of which themſelves were guilty. If we obſerve what vile Arts were uſed to hinder the further Diſcovery, what Liberty was given to reproach the Diſcoverers, what Means uſed to deſtroy or to corrupt them; how the very Criminals were encouraged and allowed to be good Witneſſes againſt their Accuſers: We ſhould eaſily excuſe any *Engliſh* Parliament thus beſet, if they had been carried to ſome little Exceſſes. But yet all this could not provoke them to do any thing not juſtifiable by the Laws of Parliament, or unbecoming the Wiſdom and Gravity of an *Engliſh* Senate.

But we are told, That his Majeſty *Opened the laſt Parliament, which was held at* Weſtminſter, *with as Gracious Expreſſions of His Readineſs to ſatisfy the Deſires of his Subjects, and to ſecure them againſt all their juſt Fears, as the Weighty Conſideration, either of preſerving the Eſtabliſhed Religion and Property of his Subjects at Home, or of ſupporting his Neighbours and Allies Abroad, could fill his Heart with.* We muſt own that his Majeſty has Opened all his Parliaments at *Weſtminſter*, with very *Gracious Expreſſions*: Nor have wanted that Evidence of His *Readineſs to ſatisfy the Deſires of his Subjects*; but that ſort of Evidence will ſoon loſe its Force, if it be never followed by Actions correſpondent, by which only the World can judg of the ſincerity of Expreſſions or Intentions. And therefore the Favourites did little conſult his Majeſty's Honour, when they bring him in ſolemnly declaring to his Subjects, *That his Intentions were as far as would have conſiſted with the very Being of the Government, to have complied with any thing that could have been propoſed to him to accompliſh thoſe Ends*; when they are not able to produce an Inſtance wherein they ſuffered him to comply in any one Thing. Whatſoever the Houſe of Commons Addreſs'd for, was certainly denied, though it was only for that Reaſon; and there was no ſurer way of Intituling ones ſelf to

the Favour of the Court, than to receive a Cenſure from the Repreſentative Body of the People.

Let it for the preſent be admitted, that ſome of the things deſired by that Parliament were exorbitant, and (becauſe we will put the Objection as ſtrong as is poſſible) inconſiſtent with the very being of the Government; yet at leaſt, ſome of their Petitions were more reaſonable. The Government might have ſubſiſted, tho the Gentlemen, put out of the Commiſſion of the Peace, for their zealous acting againſt the Papiſts, had been reſtor'd; nor would a final Diſſolution of all things have enſued, tho Sir *George Jefferies* had been removed out of publick Office, or my Lord *Halifax* himſelf from his Majeſty's Preſence and Councils. Had the Statute of the 35 *Eliz.* (which had juſtly ſlept for Eighty Years, and of late, unſeaſonably revived) been repealed, ſurely the Government might ſtill have been ſafe. And tho the Fanaticks perhaps had not deſerved ſo well as that in favour to them, his Majeſty ſhould have paſſed that Bill; yet ſince the Repeal might hereafter be of ſo great uſe to thoſe of the Church of *England*, in caſe of a Popiſh Succeſſor, (which Bleſſing his Majeſty ſeems reſolved to bequeath to his People); one would have thought he might have complied with the Parliament in that Propoſal. At leaſt, we ſhould have had leſs reaſon to complain of the Refuſal, if the King would have been but graciouſly pleaſed to have done it in the ordinary way.

But the Miniſters thought they had not ſufficiently triumphed over the Parliament, by getting the Bill rejected, unleſs it were done in ſuch a manner as that the Preſident might be more pernicious to Poſterity, by introducing a new *Negative* in the making of Laws, than the loſing of any Bill, how uſeful ſoever, could be to the preſent Age. This we may affirm, that if the Succeſs of this Parliament did not anſwer Expectation, whoever was guilty of it, the Houſe of Commons did not fail of *doing their Part.* Never did Men husband their time to more Advantage. They opened the Eyes of the Nation; They ſhewed them their Danger, with a Freedom becoming Engliſhmen. They aſſerted the Peoples Right of Petitioning: They proceeded vigorouſly againſt the Conſpirators Diſcovered, and heartily endeavoured to take away the very Root of the Conſpiracy: They had before them as many great and uſeful Bills as had been ſeen in any Parliament, and it is not to be laid at

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their doors that they proved Abortive. This Age will never fail to give them their grateful Acknowledgments, and Posterity will remember that House of Commons with Honour.

We come now to the particular enumeration of those gracious Things which were said to the Parliament at *Westminster*. His Majesty ask'd of them *the supporting the Alliances he had made for the Preservation of the general Peace in Christendom.* 'Tis to be wish'd his Majesty had added to this gracious Asking of Mony, a gracious Communication of those Alliances, and that such blind Obedience had not been exacted from them, as to contribute to the Support of they knew not what themselves; nor before they had considered whether those Alliances which were made, were truly design'd for that End which was pretended, or any way likely to prove effectual to it. Since no Precedent can be shewn, that ever a Parliament (not even the late Long Parliament, though filled with *Danby*'s Pensioners) did give Mony for maintaining any Leagues, till they were first made acquainted with the particulars of them.

But besides this, the Parliament had reason to consider well of the general Peace it self, and the Influence it might have, and had upon our Affairs, before they came to any Resolution, or so much as to a Debate about preserving it; since so wise a Minister as my Lord *Chancellor* had so lately told us, *That it was fitter for Meditation than Discourse.* He informed us in the same Speech, That the Peace then was but the Effect of Despair in the Confederates; and we have since learn'd by whose means they were reduced to that Despair; and what Price was demanded of the *French* King for so great a Service. And we cannot but be sadly sensible how by this Peace, that Monarch has not only quite Dissolv'd the Confederacy form'd against him, enlarged his Dominions, gain'd time to refresh his Souldiers harrass'd with long Service, settled and composed his Subjects at home, increased his Fleet, and replenished his Exchequer for new and greater Designs; but his Pensioners at our Court have grown insolent upon it, and presuming that now he may be at leisure to assist them in ruining *England*, and the Protestant Religion together, have shaken off all dread of Parliaments, and have prevail'd with his Majesty to use them with as little respect, and to disperse them with as great Contempt, as if they had been a Conventicle, and not the great Representative of the Nation, whose Power and

Lord Chancellor's Speech, 23 May, 1678.

Wiſdom only could ſave him and us, in our preſent Exigencies.

But whatever the Deſign of them was, or the Effect of them is like to be, yet Alliances have a very good ſound, and a Nation ſo encompaſſed with Enemies abroad, and Traitors and Penſioners to thoſe Enemies at home, muſt needs be glad to hear of any new Friends. But alas, if we look into the Speech made at the Opening of that Parliament, we ſhall find no mention of any new Ally except the *Spaniard*, whoſe Affairs at that time, through the Defects of his own Government, and the Treachery of our Miniſters, were reduced to ſo deſperate a State, that he might well be a Burden to us; but there was little to be hoped from a Friendſhip with him, unleſs by the name of a League, to recommend our Miniſters to a new Parliament, and cozen Country Gentlemen out of their Money. But upon peruſal of that League, it appears by the Third, Fourth and Fifth Articles, that it was like to create us Trouble enough; for it engages us indefinitely to enter into all the Quarrels of the *Spaniards*, though they happened in the *Weſt Indies*, or the *Philipine Iſlands*, or were drawn upon himſelf by his own Injuſtice or cauſeleſs Provocations. By this we ſhall be obliged to eſpouſe his difference with the Duke of *Brandenburgh*, though all that Duke did, was according to the Law of Nations, to Reprize *Spaniſh* Ships for a juſt Debt frequently demanded in vain. By this we ſhall be obliged to engage in his preſent War with the *Portugueſe*, though he by his violent ſeizing of the Iſland of St. *Gabriel*, which had long been in their peaceable poſſeſſion, without once demanding it of them, has moſt juſtly provoked the *Portugueſe* to invade *Spain*. Nor are we bound only to aſſiſt him in caſe of an Invaſion; but in caſe of any Diſturbance whatſoever, which muſt be intended of inteſtine Troubles, (and it is ſo directly explained in the ſecret Article, which all *Europe* ſays was ſigned at the ſame time.) So that if the preſent King of *Spain* ſhould imitate his Great Grandfather, *Philip* the Second, and oppreſs any of his Subjects, as cruelly as he did thoſe of the *Low Countries*, and ſo force them to a neceſſary Self-Defence, we have renounced the policy of our Anceſtors, who thought it their Intereſt as well as their Duty to ſuccor the diſtreſſed, and muſt not only aid him with 8000 Men for three Months, to make thoſe People Slaves, but if the matter cannot be

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be compoſed in that time, make War upon them, with our whole Force both by Land and Sea. But that which concerns us yet nearer in this League, is, that this Obligation of aſſiſtance was mutual, ſo that if a Diſturbance ſhould happen hereafter in *England*, upon any attempt to change our Religion or our Government, though it was in the time of his Majeſties Succeſſors, the Moſt Catholick King is obliged by this League, (which we are ſtill to believe was entred into, for the ſecurity of the Proteſtant Religion, and the good of the Nation) to give Aid to ſo Pious a Deſign, and to make War upon the People with all his Forces both by Land and Sea. And therefore it was no wonder that the Miniſters were not forward in ſhewing this League to the Parliament, who would ſoon have obſerved all theſe Inconveniences, and have ſeen how little ſuch a League could contribute to the preſerving the General Peace, or to the Securing of *Flanders*, ſince the *French* King may within one months time poſſeſs himſelf of it, and we by the League are not obliged to ſend our Succors till Three Months after the Invaſion. So that they would upon the whole matter, have been inclined to ſuſpect, that the main End of this League was only to ſerve for a handſom pretence to raiſe an Army in *England*, and if the people here ſhould grow diſcontented at it, and any little Diſorders ſhould enſue, the *Spaniard* is thereby obliged to ſend over Forces to ſuppreſs them.

The next thing *recommended to them, was the farther Examination of the Plot*, and every one who has obſerved what has paſſed for more than two years together, cannot doubt that this was ſincerely deſired by ſuch as are moſt in Credit with his Majeſty; and then ſurely the Parliament deſerved not to be cenſured upon this Account, ſince the Examination of ſo many new Witneſſes, the Tryal of the Lord *Stafford*, the great Preparations for the Tryals of the reſt of the Lords, and their diligent Enquiry into the Horrid *Iriſh* Treaſons, ſhew that the Parliament wanted no Diligence to purſue his Majeſties good Intentions in that Affair.

And when His *Majeſty deſired from the Parliament their Advice and Aſſiſtance concerning the Preſervation of* Tangier; the Commons did not neglect to give it its due Conſideration. They truly repreſented to Him how that important place came to be brought into *ſuch Exigencies, after ſo vaſt a Treaſure expended*

Addreſs preſented 21 Dec. 1680.

Addreſs preſented 29 Nov. 1680.

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to make it useful; and that nothing better could be expected of a Town, *for the most part put under Popish Governors*, and always fill'd with a *Popish Garison*. These were Evils in his Majesty's own Power to redress, and they *advised him to it*; nor did they rest there, but promise to assist him in defence of it, as soon as ever they could be reasonably secured, that any Supply which they gave for that purpose, should not be used *to augment the Strength of our Popish Adversaries, and to encrease our Dangers at Home*. They had more than once seen Mony employed directly contrary to the end for which it was given by Parliament, and they had too great cause of Fear it might be so again; and they knew that such a Misimployment would have been fatal at that Time. But above all, they considered the imminent Danger which threatned them with certain Ruin at Home, and therefore justly thought that to leave the Consideration of *England* to provide for *Tangier*, would be to act like a Man that should send his Servants to mend a Gap in his Hedg when he saw his House on Fire, and his Family like to be consumed in it.

We are next told, that His *Majesty offered to concur in any Remedies that could be proposed for the Security of the Protestant Religion*; and we must own that he did indeed make such an *Offer*; but he was pleased to go no farther, for those Remedies which the Commons tendered were rejected, and those which they were preparing, were prevented by a Dissolution.

We have seen the great Things which the King did on his part; let us now reflect on those Instances which are singled out as so many *unsuitable Returns of the Commons*. They are complained of for presenting *Addresses in the nature of Remonstrances rather than Answers*. Under what unhappy Circumstances do we find our selves, when our Representatives can never behave themselves with that Caution, but they will be mis-interpreted at Court? If the Commons had return'd Answer to his Majesty's Messages, without shewing upon what Grounds they proceeded, they had then been accused as Men acting peremptorily, and without reason; if they modestly express the Reasons of their Resolutions, they are then said to Remonstrate. But what the Ministers would have this word Remonstrance signify, what Crime it is they mean thereby, to charge the Commons with, is unknown to an *English* Reader. Perhaps they who are better Criticks, and more *French*-men, know some pernicious thing

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which it imports. If they mean by a Remonſtrance, a *declaring the Cauſes and Reaſons* of what they do, it will not ſurely be imputed as a Fault in them, ſince 'tis a way of proceeding which His Majeſties Miniſters have juſtified by their own Example, having in His Majeſties Name vouchſafed to *declare the Cauſes and Reaſons of his Actions* to his People.

But the Commons made *Arbitrary Orders for taking Perſons into Cuſtody, for matters that had no Relation to Priviledges of Parliament.* The Contrivers of this Declaration, who are ſo particular in other things, would have done well to have given ſome inſtances of theſe Orders.

If they intend by theſe General Words, to reflect on the Orders made to take thoſe degenerate Wretches into Cuſtody, who publiſhed under their Hands their Abhorrence of Parliaments, and of thoſe who in an humble and lawful manner Petitioned for their Sitting, in a time of ſuch extream neceſſity. Surely they are not in good earneſt, they cannot believe themſelves, when they ſay, that *theſe Matters* had no *Relation to Priviledges of Parliament.* If the Priviledge of Parliament be concern'd when an injury is done to any particular Member, how much more is it touched when Men ſtrike at Parliaments themſelves, and endeavour to wound the very Conſtitution? If this be ſaid with Relation to *Sheridon*, who has ſince troubled the World with ſo many idle impudent Pamphlets upon that account, 'tis plain that his Commitment was only in order to examine him about the Popiſh Plot, and his Endeavors to ſtifle it, (though his contemptuous Behaviour to the Houſe, deſerved a much longer Confinement) and 'twas Inſolence in him to Arraign their Juſtice, becauſe they did not inſtantly leave all their great Debates to diſpatch the buſineſs relating to him.

Thompſon of *Briſtol*, was Guilty of divers great Breaches of Priviledge; but yet his Commitment was only in order to an Impeachment, and as ſoon as they had gone through with his Examination, they ordered him to be ſet at Liberty, giving Security to anſwer the Impeachment which they had voted againſt him. But is it a thing ſo ſtrange and new to the Authors of the Declaration, that the Houſe of Commons ſhould Order Men to be taken into Cuſtody for matters not relating to Priviledg? Have they not heard, that in the 4. *Edw. 6. Cricketoft* was Committed for Confedertaing in an Eſcape; that 18 *Jac.*

Sir

Sir *Francis Mitchel* was Comitted for Misdemeanors, in procuring a Patent for the Forfeitures of Recognizances, together with *Fowles Gerrard*, and divers others, (none of which were Members of Parliament) that 20 *Jac.* Dr. *Harris* was taken into Custody for misbehaving himself in Preaching; and that 3 *Car. Burgesse* was Committed for Faults in Catechizing, and *Levet* for presuming to exercise a Patent, which had been adjudged a Grievance by a Committee of the Commons in a former Parliament.

There would be no end of giving Instances of those Commitments, which may be observed in almost every Parliament, so that the House of Commons did but tread in the Steps of their Predecessors, and these sorts of Orders were not new, though the Declaration takes the Liberty to call them Arbitrary. The Commons had betrayed their Trust, if they had not asserted the Right of Petitioning, which had been just before shaken by such a *strange Illegal and Arbitrary Proclamation.*

But now we come to the Transcendent monstrous Crimes, which can never be forgiven by the Ministers, the giving them their due Character, which every Man of Understanding had fix'd upon them long before: the whole Current of their Counsels being a full Proof of the Truth of the Charge. But what colour is there for calling these Votes illegal? *Is it* illegal for the Commons to impeach persons, whom they have good reason to judg Enemies to the King and Kingdom? *Is it* Illegal to determin by a Vote (which is the only way of finding the Sence of the House) who are Wicked Counsellors, and deserve to be impeach'd? Could the Commons have called the Parties accused to make their Answer before themselves? Had they not a proper time for their Defence when they came to their Tryals? and might they not have cleared their Innocence much better, if they durst have put that in Issue) by a Tryal, than a Dissolution of the Parliament? But should we grant that these Votes were not made in Order to an Impeachment, yet still there is nothing Illegal, nothing extraordinary in them. For the Commons in Parliament, have ever used two ways in delivering their Country from pernicious and powerful Favorites, the one is in a Parliamentary Course of Justice by Impeaching them, which is used when they judg it needful to make them publick Examples, by Capital, or other high Punishments, for the terror of others:

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The other is by immediate Addreſs to the King to remove them as unfaithful or unprofitable Servants. Their Lives their Liberties or Eſtates are never endangered, but when they are proceeded againſt in the former of theſe ways. Then legal evidence of their Guilt is neceſſary, then there muſt be a proper time allowed for their defence. In the other way the Parliament act as the Kings great Council, and when either Houſe obſerve that Affairs are ill adminiſtred, that the advice of Parliaments is rejected or ſlighted, the Courſe of Juſtice perverted, our Councels betray'd, Grievances multiplyed, and the Government weakly and diſorderly managed, (of all which our Laws have made it impoſſible for the King to be guilty). They neceſſarily muſt, and always have charg'd thoſe who had the Adminſtration of Affairs, and the Kings Ear, as the Authors of theſe miſchiefs, and have from time to time applyed themſelves to him by Addreſſes for their Removal from his Preſence and Councils. There be many things plain and evident beyond the Teſtimony of any Witneſſes, which yet can never be proved in a legal way. If the King will hearken to none but two or three of his Minions, muſt we not conclude that every thing that is done comes from their Advice? And yet, if this way of repreſenting things to the King were not allowed, they might eaſily fruſtrate the enquiries of a Parliament. It is but to whiſper their Counſels, and they are ſafe. The Parliament may be buſied in ſuch great Affairs, as will not ſuffer them to purſue every Offender through a long Proceſs; and beſides there may be many reaſons why a man ſhould be turn'd out of a ſervice, which perhaps would not extend to ſubject him to puniſhment. The People themſelves are highly concern'd in the gteat Officers and Miniſters of State, who are Servants to the Kingdom as well as to the King. And the Repreſentatives of the People, the Commons, whoſe buſineſs it is to preſent all Grievances, as they are moſt likely to obſerve ſooneſt the Folly and Treachery of thoſe publick Servants, (the greateſt of all Grievances) ſo this Repreſentation ought to have no little weight with the Prince. This was underſtood ſo well by *H.* 4. a wiſe and brave Prince, that when the Commons complain'd againſt four of his Servants, and Councellors, deſiring they might be removed, he came into Parliament and there declared openly that though he knew nothing againſt them in particular, yet he was

Rot. Parl. 5 *H.* 4. *Nu.* 6.

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assured that what the Lords and Commons desired of him, was for the good of himself and his Kingdom; and therefore he did comply with them, and banish'd those four Persons from his Presence and Councils, declaring at the same time, that he would do so by any others who should be near His Royal Person, if they were so unhappy to fall under the Hatred and Indignation of his People. The Records and Histories of the Reigns of *Edward* the first, *Edw.* II. *Edw.* III. and indeed of all other succeeding Kings are full of such Addresses as these; but no History or Record can shew that ever they were called illegal or Un-Parliamentary till now.

Then the Ministers durst not appeal to the People against their own Representatives, but ours at present have either got some new Law in the point, or have attained to a greater degree of Confidence, then any that went before them. The best of our Princes have with thanks acknowledged the Care and Duty of their Parliaments, in telling them of the Corruption and Folly of their Favourites. *Ed.* I. *Ed.* III. *Hen.* V. and 2. *El.* never fail'd to do it, and no Names are remembred with greater Honour in the English Annals. Whilst the disorderly, the Troublesome and Unfortunate Reigns of *H.* III. *Ed.* II. *R.* II. and *H.* the VI. ought to serve as Land-marks to warn succeeding Kings from preferring secret Councels to the Wisdom of their Parliaments.

But none of the Proceedings of the House of Commons, have been more censured at Court, and with less Justice, than their Vote about the Anticipation of several Branches of the Revenue. An objection which could proceed from nothing, but a total ignorance of the Nature of Publick Treasure in our own, and all other Nations, which was ever esteem'd Sacred & Un-alienable. All the Acts of resumption in the times of *H.* IV. *H.* VI. and other of our Kings were founded upon this Maxim, otherwise there could not be conceived any grosser injustice, than to declare Alienations to be void, which Kings had lawful power to make. It was upon this Maxim that the Parliament declar'd the Grant to the Pope of the yearly sum of 1000 marks, wherewith K. *John* had charg'd the Inheritance of the Crown, to be Null. It was for this cause that in the year 1670. His Majesty procured, an Act of Parliament, to enable him to sell the Fee Farm Rents, and it is the best excuse that can be made for

for thoſe Miniſters who in the year 1672. adviſed the poſtponing of all payments to the Bankers out of the Exchequer, that they judged all ſecurities by way of Anticipation of the Revenue, illegal and void in themſelves.

Reſumptions have been frequent in every Kingdom, the King of *Sweden* within theſe few Months, has, by the Advice of the States, reſumed all the Lands which His Predeceſſors had in many years before granted from the Crown. No Country did ever believe the Prince, how abſolute ſoever in other things, had power to ſell or give away the Revenue of the Kingdom, and leave his Succeſſor a Beggar. All thoſe Acts of the Roman Emperors, whereby they waſted the Treaſure of the Empire, were reſcinded by their Succeſſors; and *Tacitus* obſerves, that the firſt of them that look't upon the publick Treaſure as his own, was *Claudius* the weakeſt and moſt ſottiſh of them all. The preſent King of *France* did within theſe twelve years, by the conſent of his ſeveral Parliaments, reſume all the Demeſnes of the Crown which had been Granted away by himſelf or his Predeceſſors. That haughty Monarch, as much power as he pretends to, not being aſham'd to own that he wanted power to make ſuch Alienations, and that Kings had that happy inability, that they could do nothing contrary to the Laws of their Countrey. This notion ſeems founded in the reaſon of mankind, ſince Barbariſm it ſelf cannot efface it. The *Ottoman* Emperors diſpoſe Arbitrarily of the Lives and Eſtates of their Subjects, but yet they eſteem it the moſt deteſtable wickedneſs, to employ the Tributes and Growing Revenues of the Provinces, (which they call the Sacred blood of the People;) upon any other than publick occaſions. And our Kings *H.* IV. and *H.* VII, underſtood ſo well the different power they had in uſing their private Inheritances and thoſe of the Crown, that they took care, by Authority of Parliament, to ſeparate the Dutchy of *Lancaſter* from the Crown, and to keep the deſcent of it diſtinct. But our preſent Courtiers are quite of another Opinion, who ſpeak of the Revenue of the Crown as if it were a private Patrimony, and deſign'd only for domeſtick uſes, and for the Pleaſures of the Prince.

Traitte des droits de la Reine. *Ont cette bien heureuſe impuiſſance de ne pouvoir rien faire contre les Loys de leur Pais. Poſtelius de Rebus Turcicis.*

The Revenues of the Crown of *England* are in their own nature appropriated to Publick Service, & therefore cannot without injuſtice be diverted or Anticipated. For either the Publick

Revenue is ſufficient to anſwer the neceſſary Occaſions of the Government, and then there is no colour for Anticipations, or elſe by ſome extraordinary accident the K. is reduced to want an extraordinary ſupply, and then he ought to reſort to his Parliament. Thus wiſely did our Anceſtors provide, that the K. and His People ſhould have frequent need of one another, and by having frequent opportunities of mutually relieving one anothers wants, be ſure ever to preſerve a dutiful affection in the Subject, and a fartherly tenderneſs in the Prince. When the King had occaſion for the Liberality of his People, he would be well inclin'd to hear and redreſs their Grievances, and when they wanted eaſe from Oppreſſions they would not fail with alacrity to ſupply the occaſions of the Crown. And therefore it has ever been eſteem'd a crime in Counſellors who perſwaded the King to Anticipate his Revenue, and a Crime in thoſe who furniſht Money upon ſuch Anticipations in an Extraordinary way, however extraordinary the Occaſion might be. For this cauſe it was that the Parliament in the 35th. of *H.* 8. did not only diſcharge all thoſe debts which the K. had contracted, but enacted that thoſe Lenders who had been before paid again by the King, ſhould refund all thoſe ſums into the Exchequer, as Judging it a reaſonable puniſhment, to make them forfeit the Money they lent, ſince they had gone about to introduce ſo dangerous a Precedent.

The true way to put the King out of a *poſſibility of ſupporting the Government*, is to let him waſt in one year that Money, which ought to bear the charge of the Government for ſeven. This is the direct method to deſtroy the *Credit of the Crown both Abroad and at Home.* If the King reſolve never to pay the Money which he Borrows, what Faith will be given to Royal Promiſes, and the Honour of the Nation will ſuffer in that of the Prince, & if it muſt be put upon the People to repay it, this would be a way to impoſe a neceſſity of giving Taxes without end, whether they would or no. And therefore (as Mercenary as they were) the Penſioners would never diſcharge the Revenue of the Anticipations to the Bankers. Now the Commons having the inconvenience of this before their Eyes in ſo freſh an inſtance, and having their Ears fill'd with the daily cries of ſo many Widows and Orphans; were obliged in duty to give a Public Caution to the People, that they ſhould not run agan into the

the ſame Error. Not only becauſe they judged all Securities of that kind abſolutely void, but becauſe they knew no future Parliament could without breach of Truſt repay that Money which was at firſt borrowed only to prevent the Sitting of a Parliament, and which could never be paid without Countenancing a Method ſo deſtructive to our Conſtitution. Nor have former Parliaments been leſs careful and nice in giving the leaſt allowance to any unuſual ways of taking up Money, without common Conſent, having ſo very often declar'd, *that the King cannot ſupply his moſt preſſing Neceſſities, either by Loans, or by the Benevolence of his Subjects, which by the expreſs words of the Statute, are damned and annulled for ever.* But the Houſe of Commons were ſo cautious of giving any juſt occaſion of Cavil, that they reſtrain'd their Votes much more than they needed to have done: For they extended them only to three Branches of the Revenue, all which were by ſeveral Acts of Parliament given to his preſent Majeſty. And ſurely every one will agree, that when the King receives a Gift from his People, he takes it under ſuch Conditions, and ought to imploy it in ſuch a manner, and for ſuch purpoſes as they direct. We muſt therefore conſult the ſeveral Acts by which thoſe Branches were ſetled; if we would judge rightly whether the Commons had not particular Reaſons for what they did. The Statute 12 *Car.* 2. *c.* 4. ſays, That *the Commons repoſing Truſt in his Majeſty for guarding the Seas againſt all Perſons intending the Diſturbance of Trade, and the invading of the Realm, to that intent do give him the Tonnage and Poundage,* &c. This is as direct an Appropriation as Words can make, and therefore as it is manifeſt wrong to the Subject, to divert any part of this Branch to other uſes; ſo for the King to anticipate it, is plainly to diſable himſelf to perform *the Truſt repoſed in Him.* And the late long Parliament thought this matter ſo clear, that about two years before their Diſſolution, they paſſed a Vote with Relation to the Cuſtoms, in almoſt the ſame Words. The Parliament which gave the Exciſe were ſo far from thinking that the King had power to charge or diſpoſe of it as his own, that by a ſpecial Clauſe in the Act, whereby they give it, they were careful to *impower him to diſpoſe of it, or any part of it by way of Farm,* and to Enact *that ſuch Contracts ſhall be effectual in Law, ſo as they be not for a longer time than three years.* The

1 *R.* 3. *cap.* 2.

12 *Car.* 2. *c.* 4. 4. *confirm'd* 31 *Car. c.* 7.

12 *Car.* 2. *c.* 23. *an.*

Act

Act, whereby the Hearth-money was given, declares that it was done to the end, *that the publick Revenue might be proportioned to the publick Charge*; and 'tis impoſſible that ſhould ever be, whilſt it is liable to be pre-ingaged and anticipated. And the Parliament were ſo careful to preſerve this Tax always clear and uncharg'd, that they made it penal for any one ſo much as *to accept of any Penſion or Grant for years, or any other Eſtate, or any Summ of Money out of the Revenue ariſing by vertue of that Act, from the King, his Heirs or Succeſſors.* Surely if the Penners of this Declaration had not been altogether ignorant of our own Laws, and of the Policy of all other Countries and Ages, they would never have printed thoſe Votes, in hopes thereby to have expoſed the Commons to the World. They would not have had the face to ſay, that thereby the *King was expoſed to Danger, deprived of a poſſibility of ſupporting the Government*, and *reduc'd to a more helpleſs Condition than the meaneſt of His Subjects.* This we are ſure of, that the inviolable obſerving of theſe Statutes, will be ſo far from reducing His Majeſty to a more helpleſs Condition than the meaneſt of his Subjects, that it will ſtill leave him in a better condition than the richeſt and greateſt of his Anceſtors, none of which were ever Maſters of ſuch a Revenue.

33 & 14 Car. c. 10.

The H. of Commons are in the next place accuſed of a very high Crime, the aſſuming to themſelves a power of ſuſpending Acts of Parliament, becauſe they declared that it was their opinion, *That the Proſecution of Proteſtant Diſſenters upon the Penal Laws, is at this time grievous to the Subject, a weakning of the Proteſtant Intereſt, an Incouragement to Popery, and dangerous to the Peace of the Kingdom.* The Miniſters remembred that not many years ago, the whole Nation was juſtly alarm'd upon the aſſuming an Arbitrary Power of ſuſpending Penal Laws, and therefore they thought it would be very popular to accuſe the Commons of ſuch an attempt. But how they could poſſible miſinterpret a Vote at that rate, how they could ſay the Commons pretended to a Power of repealing Laws, when they only declare their Opinion of the inconveniency of them, will never be underſtood till the Authors of this are pleaſed to *ſhew their Cauſes and Reaſons* for it in a ſecond *Declaration.* Every impartial man will own, that the Commons had reaſon for this Opinion of theirs. They had with great anxiety obſerved

ſerved that the preſent deſign of the Papiſts was not againſt any one ſort of Proteſtants, but univerſal, and for extirpating the Reform'd Religion. They ſaw what advantages theſe Enemies made of our Diviſions, and how cunningly they diverted us from proſecuting them, by fomenting our jealouſies of one another. They ſaw the ſtrength and nearneſs of the King of *France*, and judged of his Inclinations by his uſage of his own Proteſtant Subjects. They conſider'd the number, and the bloody Principles of the *Iriſh*, and what Conſpiracies were form'd there, and even ripe for Execution; and that *Scotland* was already delivered into the hands of a Prince, the known head of the Papiſts in theſe Kingdoms, and the occaſion of all their Plots and Inſolencies, as more than one Parliament had declared. They could not but take notice into what hands the moſt conſiderable Truſts both Civil and Military were put, and that notwithſtanding all Addreſſes, and all Proclamations for a ſtrict Execution of the Penal Laws againſt Papiſts, yet their Faction ſo far prevailed, that they were eluded, and only the diſſenting Proteſtants ſmarted under the edge of them. In the midſt of ſuch Circumſtances was there not cauſe to think an Union of all Proteſtants neceſſary, and could they have any juſt ground to believe that the Diſſenters, whilſt they lay under the Preſſures of ſevere Laws, ſhould with ſuch Alacrity and Courage as was requiſite, undertake the defence of a Country where they were ſo ill treated? A long and ſad Experience had ſhew'd how vain the Endeavours of former Parliaments had been to force us to be all of one Opinion, and therefore the Houſe of Commons reſolv'd to take a ſure way to make us of one Affection. They knew that ſome buſie men would be ſtriking whilſt there were Weapons at hand; and therefore to make us live at peace, they meant to take away all occaſions of provoking, or being provoked. In order to a general Repeal of theſe Laws, they firſt came to a Vote declaring the neceſſity of it, to which there was not one Negative in the Houſe: A Vote of this nature does for the moſt part precede the bringing in of a Bill for the Repeal of any General Law. And it had been a great preſumption in a particular Member to have asked leave to have brought in a Bill for repealing ſo many Laws together, till the Houſe had firſt declar'd, that in their opinion they were *grievous and inconvenient*. No *Engliſh man* could be ſo ignorant of our Laws, none but

but a *French-man* could have confidence to declaim againſt a proceeding ſo regular and Parliamentary as this. Where was the *diſregard to the Laws Eſtabliſhed*, for the Commons to attempt the abrogating of a Law that is *grievous to the Subject, and dangerous to the Peace of the Kingdom? Is it a ſuſpending Acts of Parliament*, if they declare a Law to be *grievous and dangerous* in their *Opinion*, before they ſet about the Repeal of it? And is there any ground to doubt but that a Bill would have paſs'd that Houſe, purſuant to this Vote, had it not been prevented by a Diſſolution? Nor was there the leaſt direction or ſignification to *the Judges*, which might give any occaſion for the Reflection which follows in the Declaration. The due and impartial Execution of the Laws, is the unqueſtionable Duty of the Judges, and we hope they will always remember that duty ſo well, as not to neceſſitate a H. of Commons to do theirs, by calling them to account for making private Inſtructions the Rule of their Judgments, and acting as men who have more regard to their Places than their Oaths. 'Tis too well known who it is that ſollicites and manages in favour of Judges, when a H. of Commons does demand Juſtice againſt them, for breaking their Oaths. And therefore the Publiſhers of this Declaration had ſaid ſomething well, if when they tell us the Judges ought not to break their Oaths in Reverence to the Votes of either H. they had been pleaſed to add, not in reſpect of any Command from the K. or Favorites. Then we ſhould have no more Letters from Secretaries of State to Judges ſitting upon the Bench. Then we ſhould have no more Proclamations like that of the 14th *Oct.* 1662. forbidding the Execution of the Laws concerning Highways. Nor that of the 10th of *May*, 1672. diſpenſing with divers Clauſes in the Acts of Parliament for increaſe of Shipping. Nor any more Declarations like that of the 15. of *March*, 1672. ſuſpending the Penal Laws in matters Eccleſiaſtical.

But the Judges are ſworn to execute all Laws, yet there is no obligation upon any man to inform againſt another. And therefore though the Miniſters prevented the Repeal of thoſe Laws, 'tis to be hop'd that this Vote will reſtrain every Engliſhman from proſecuting Proteſtants, when ſo wiſe and great a body have declared the pernicious effects of ſuch a Proſecution. 'Tis moſt true, that in *England* no Law is abrogated by deſuetude, but it is no leſs true, that there are many Laws ſtill unrepealed

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peal'd which are never Executed, nor can be without publick detriment. The Judges know of many such dormant Laws, and yet they do not quicken the People to put them in Execution, nor think themselves Guilty of Perjury that they do not: such are the Laws for wearing Caps, for keeping Lent, those concerning Bowes and Arrows, about killing Calves, and Lambs, and many others. And those who vex men by Information on such antiquated Laws, have been ever lookt upon as Infamous, and Disturbers of the publick quiet. Hence it is that there are no Names remembred with greater detestation than those of *Empson* and *Dudley*, the whole Kingdom abhorr'd them as Monsters in the time of *H.* VII. and they were punish'd as Traitors in the Reign of his Son.

The alteration of the circumstances whereupon a Law was made, or if it be against the genius of the People, or have effects contrary to the intent of the Makers, will soon cause any Law to be disused, and after a little disuse, the reviving of it will be thought Oppression. Especially if experience has shewn, that by the non-execution, the quiet, the safety, and Trade of the Nation have been promoted; of all which the Commons, who are sent from every part of the Kingdom, are able to make the clearest Judgment. Therefore after they have declared their Opinions of the Inconvenience of reviving the Execution of these Laws, which have lain asleep for divers yeats, tho' the Judges must proceed, if any forward Informers should give them the trouble, yet they would not act wisely or honestly if they should Encourage Informers, or quicken Juries by strict and severe charges. Especially if it be considered, that the Lords also were preparing Bills in favor of Dissenters, and that the King has wish'd often it was in his power to ease them. So that tho' there be no Act of Repeal formerly passed, we have the consent and desire of all who have any share in making Acts. But let this Vote have what consequence it will, yet sure the Ministers had forgot that the Black Rod was at the door of the House, to require them to attend His Majesty at the very time when it was made, otherwise they would not have numbred it amongst the causes *which occasioned the King to part with that Parliament.* And those that knew His Majesty was putting on his Robes before that Vote passed, might imagine a Dissolution thus foreseen, might occasion it, but cannot be brought to

 believe

believe, that the Vote which was not in being, could occaſion the Diſſolution. Theſe are the *proceedings* which the Miniſters judg *unwarrantable* in the Parliament at *Weſtminſter*, and for which they prevailed with His Majeſty *to part with it*. But ſince it is evident upon Examination, that the principles of our Conſtitution, the method of Parliaments, and the precedents of every Age, were their Guide and Warrant in all thoſe things; ſurely the K. muſt needs be alike offended with the Men about him, for perſwading him to Diſſolve that Parliament without any cauſe; and for ſetting forth in his Name a Declaration of ſuch pretended cauſe as every man almoſt ſees through, and contrived only to cover thoſe Reaſons which they durſt not own. But with what face can they object to the Houſe of Commons their *ſtrange Illegal Votes declaring divers Eminent Perſons to be Enemies to the King and Kingdom*, when at the ſame time they arrogate to themſelves an unheard of Authority to Arraign one of the three Eſtates in the face of the World, for *uſurping power over the Laws, Impriſoning their fellow Subjects Arbitrarily, expoſing the Kingdom to the greateſt dangers, and endeavouring to deprive the King of all poſſibility of ſupporting the Government*, and all this without any order or proceſs of Law, without hearing of their defence, and as much without any reaſon, as Precedent. We have had Miniſters heretofore ſo bold, (yet ever with ill ſucceſs) as to accuſe a pretended Factious party in the Houſe, but never did any go ſo high as openly to Repreſent the whole H. of Commons as a Faction, much leſs, to cauſe them to be denounced in all the Churches of the Kingdom, that ſo the People might look upon it as a kind of Excommunication. But if they erred in the things they judged rightly in the choice of the Perſons who were to publiſh it. Blind Obedience was requiſite, where ſuch unjuſtifiable things were impoſed, and that could be no where ſo entire, as amongſt thoſe Clergy-men whoſe preferment depended upon it. Therefore it was ordered that this Declaration ſhould be read by them, being pretty well aſſured that they would not unwillingly read in the Desk, a Paper ſo ſuitable to the Doctrin wch ſome of them had often declared in the Pulpit. It did not become them to enquire whether they had ſufficient Authority for what they did; ſince the Printer called it the K's. Declaration, & whether they might not one day be call'd to account for publiſhing it; nor once to ask if what

what His Majeſty ſingly ordered when he ſate in Council, and came forth without the ſtamp of the great Seal, gave them a ſufficient warrant to read it publickly.

Clergy-men ſeldom make Reflections of this kind, leaſt they ſhould be thought to diſpute the commands of their Superiors. It hath been obſerved, that they who allow unto themſelves the liberty of doubting, advance their fortunes very ſlowly, whilſt ſuch who obey without ſcruple, go on with a ſucceſs equal to their ambition. And this carries them on without fear or ſhame, and as little thought of a Parliament, as the Court Favourites who took care to Diſſolve that at *Oxford*, before they durſt tell us the faults of that at *Weſtminſter*.

We have already anſwer'd the miſcarriages objected to the firſt, and may now take a view of thoſe imputed to the other, which they ſay *was Aſſembled as ſoon as that was Diſſolved*, and might have added *Diſſolved as ſoon as Aſſembled*. The Miniſters having imploy'd the People forty days in chuſing Knights and Burgeſſes, to be ſent home in eight, with a Declaration after them, as if they had been called together only to be affronted. The Declaration doth not tell us of any gracious expreſſions uſed at the opening of that Parliament, perhaps becauſe the ſtore was exhauſted by the abundance which His Majeſty was pleaſed to beſtow on them in his former Speeches. But we ought to believe that His Majeſties Heart was as full of them as ever, and if he did not expreſs them, it is to be imputed unto the Miniſters, who diverted him from his own inclinations, and brought him to uſe a language until that day unknown unto Parliaments. The Gracious Speech then made, and the Gracious Declaration that followed, are ſo much of a piece, that we may juſtly conclude the ſame Perſons to have been Authors of both. However His Majeſty failed not to give good advice unto them, who were called together to adviſe him. The Parliament had ſo much reſpect for their K. as not particularly to complain of the great invaſion, that was made upon their liberty of propoſing and debating Laws, by his telling them before hand what things they ſhould meddle with, and what things, no reaſons they could offer, ſhould perſwade him to conſent unto.

But every man muſt be moved to hear it charged upon them as an unpardonable diſobedience, that they did not obſequiouſly ſubmit to that irregular Command, of not touching on the buſineſs

ſineſs of the Succeſſion. Shall two or three unknown Minions take upon them, like the Lords of the Articles of *Scotland*, to preſcribe unto an Engliſh Parliament what things they ſhall treat of? Do they intend to have Parliaments *inter inſtrumenta ſervitutis*, as the Romans had Kings in our Country? This would quickly be, if what was then attempted had ſucceeded, and ſhould be ſo purſued hereafter, that Parliaments ſhould be directed what they were to meddle with, and threatned if they do any other thing. For the loſs of Freedom of debate in Parliament, will ſoon and certainly be followed by a general loſs of Liberty. Without failing in the reſpect which all good Subjects owe unto the King, it may be ſaid, that His Majeſty ought to diveſt himſelf of all private inclinations, and force his own Affections to yield unto the publick concernments: And therefore His Parliaments ought to inform him impartially, of that which tends to the good of thoſe they repreſent, without regard of perſonal paſſions, and might worthily be blam'd, if they did not believe, that he would forgo them all for the ſafety of his people. Therefore if in it ſelf it was lawful to propoſe a Bill for excluding the Duke of *York* from the Crown, the doing it after ſuch an unwarrantable ſignification of his pleaſure would not make it otherwiſe. And the unuſual ſtiffneſs which the King hath ſhown upon this occaſion, begins to be ſuſpected not to proceed from any fondneſs to the Perſon of his Brother, much leſs from any thought of danger to the Engliſh Monarchy by ſuch a Law, but from the influence of ſome few ill men upon his Royal Mind, who being Creatures to the Duke, or Penſioners to *France*, are reſtleſs to prevent a good underſtanding between the King and his people; juſtly fearing, that if ever he comes to have a true ſence of their affections to him, he would deliver up to Juſtice theſe wicked wretches, who have infected him with the fatal notion, That the intereſts of his people are not only diſtinct, but oppoſite to his.

His Majeſty does not ſeem to doubt of his power in conjunction with his Parliament, to exclude his Brother. He very well know's this power hath been often exerted in the time of his Predeceſſors. But the reaſon given for his refuſal to comply with the intereſts and deſires of his Subjects, is, becauſe it was a *point which concerned him ſo neer in Honour, Juſtice and Conſcience.* Is it not honourable for a Prince, to be True and Faith-

Faithful to his Word and Oath? to keep and maintain the Religion and Laws eſtabliſhed? Nay, can it be thought diſhonourable unto him, to love the ſafety and welfare of his People, and the true Religion eſtabliſhed among them, above the temporal Glory and Greatneſs of his perſonal Relations? Is it not juſt, in conjunction with his Parliament, for his Peoples ſafety, to make uſe of a power warranted by our *Engliſh* Laws, and the Examples of former Ages? Or is it juſt for the Father of his Country to expoſe all his Children to ruin, out of fondneſs unto a Brother? May it not rather be thought unjuſt to abandon the Religion, Laws and Liberties of his People, which he is ſworn to maintain and defend, and expoſe them to the Ambition and Rage of one that thinks himſelf bound in Conſcience to ſubvert them? If his Majeſty is pleaſed to remember what Religion the Duke profeſſeth, can he think himſelf obliged in *Conſcience* to ſuffer him to aſcend the Throne, who will certainly endeavour to overthrow the eſtabliſhed Religion, and ſet up the worſt of Superſtitions and Idolatry in the room of it? Or if it be true, that all obligations of Honour, Juſtice and Conſcience, are comprehended in a grateful return of ſuch benefits as have been received, can his Majeſty believe that he doth duly repay unto his Proteſtant Subjects the kindneſs they ſhewed him, when they recalled him from a miſerable helpleſs baniſhment, and with ſo much dutiful affection placed him in the Throne, enlarged his Revenue above what any of his Predeceſſors had enjoyed, & gave him vaſter Sums of Money in twenty years, than had been beſtowed upon all the Kings ſince *William* the *firſt*; ſhould he after all this deliver them up to be ruin'd by his Brother? It cannot be ſaid that he had therein more regard unto the Government than to the Perſon, ſeeing it is evident the Bill of Excluſion had no ways prejudiced the legal Monarchy, which his Majeſty doth now enjoy with all the Rights and Powers which his wiſe and brave Anceſtors did ever claim, becauſe many Acts of the like nature have paſſed heretofore upon leſs neceſſary occaſions.

The preſervation of every Government depends upon an exact adherence unto its Principles, and the eſſential Principle of the *Engliſh* Monarchy, being that well proportioned diſtribution of Powers, whereby the Law doth at once provide for the greatneſs of the King, and the ſafety of the People, the Government can ſubſiſt no longer, than whilſt the Monarch enjoying the

the Power which the Law doth give him, is enabled to perform the part it allows unto him, and the People are duly protected in their Rights and Liberties. For this reason our Ancestors have been always more careful to preserve the Government inviolable, than to favour any personal Pretences, and have therein conformed themselves to the practice of all other Nations, whose examples deserve to be followed. Nay, we know of none so slavishly addicted unto any Person or Family, as for any reason whatsoever, to admit of a Prince who openly professed a Religion contrary to that which was established amongst them. It were easie to alledge multitude of Examples of those who have rejected Princes for reasons of far less weight than difference in Religion, as *Robert* of *Normandy*, *Charles* of *Lorrain*, *Alphonso a Desperadado* of *Spain*; but those of a latter date, against whom there was no other exception than for their Religion, suteth better with our occasion. Among whom it is needless to name *Henry* of *Bourbon*, who though accomplished in all the vertues required in a Prince, was by the general Assembly of the Estate at *Blois* declared uncapable of Succession to the Crown of *France*, for being a Protestant. And notwithstanding his Valour, Industry, Reputation and Power, increased by gaining four great Battels, yet he could never be admitted King, till he had renounced the Religion that was his obstacle. And *Sigismund*, Son of *John* of *Sweden*, King of that Country by Inheritance, and of *Poland* by Election, was deprived of his Hereditary Crown, and his Children disinherited only for being a Papist, and acting conformably to the Principles of that Religion, though in all other respects he deserved to be a King, and was most acceptable unto the Nation.

But if ever this Maxim deserved to be considered, surely it was in the case of the Duke of *York*. The violence of his natural temper is sufficiently known: His vehemency in exalting the Prerogative (in his Brothers time) beyond its due bounds, and the Principles of his Religion, which carry him to all imaginable excesses of cruelty, have convinced all mankind that he must be excluded, or the Name of King being left unto him, the power put into the hands of another. The Parliament therefore considering this, and observing the Precedents of former Ages, did wisely chuse rather to exclude him, than to leave him the Name, and place the Power in a Regent. For they could

could not but look upon it as Folly, to expect that one of his temper, bred up in such Principles in Politicks, as made him in love with Arbitrary Power, and bigotted in that Religion, which always propagates it self by Blood, would patiently bear these shackles, which would be very disgustful unto a Prince of the most meek disposition. And would he not thereby have been provok'd to the utmost Fury and Revenge against those who laid them upon him? This would certainly have bred a Conflict, and these limitations of Power proposed to keep up the Government, must unavoidably have destroyed it, or the Nation (which necessity would have forced into a War in its own natural defence) must have perished either by it, or with it. The Success of such Controversies are in the hand of God, but they are undertaken upon too unequal terms, when the People by Victory can gain no more, than what without hazard may be done by Law, and would be ruin'd if it should fall out otherwise. The Duke with Papists might then make such a Peace, as the *Romans* are said to have made once in our desolated Country, by the slaughter of all the Inhabitants able to make War, *& ubi solitudinem faciunt, pacem appellant.* This is the happy state they present unto us, who condemn the Parliament for bringing in a Bill of Exclusion. This is the way to have such a Peace as the *Spaniards*, for the propagation of the Gospel, made in the *West-Indies*, at the instigation of the Jesuits, who govern'd their Councils. And seeing they have the Duke no less under their power and directions, we may easily believe they would put him upon the same Methods. But as it is not to be imagined, that any Nation that hath vertue, courage and strength equal unto the *English*, will so tamely expect their ruine; so the passing a Bill to exclude him, may avoid, but cannot (as the Declaration phraseth it) establish a War. But if there must be a War, let it be under the Authority of Law, let it be against a banished, excluded Pretender. There is no fear of the consequence of such a War: No true *Englishman* can join with him, or countenance his Usurpation after this Act; and for his Popish and foreign Adherents, they will neither be more provok'd, nor more powerful by the passing of it. Nor will his Exclusion make it at all *necessary to maintain a standing Force for preserving the Government, and the Peace of the Kingdom.* The whole People will be an Army for that purpose, and every Heart

Tacit.

Heart and Hand, will be prepared to maintain that ſo neceſſary, ſo much deſired Law: A Law for which three Parliaments have been ſo earneſt with his Majeſty, not only in perſuance of their own Judgments, but by the direction of thoſe that ſent them. It was the univerſal opinion of the Papiſts, that *Mary* Queen of *Scots* was excluded only by an Act of Parliament, and yet we ſee Queen *Elizabeth* reigned gloriouſly and peaceably forty years without any ſtanding force. But our Miniſters do but diſſemble with us, when they pretend to be ſo much afraid of a ſtanding Army. We know how eagerly they have deſired, and how often they attempted to eſtabliſh one. We have ſeen two Armies raiſed with no other deſign, as has been ſince undeniably proved; and one of thoſe they were ſo loth to part with, that more than one Act of Parliament was neceſſary to get it disbanded. And ſince that, they have increaſed the Guards to ſuch a degree, that they are become a formidable ſtanding Force. A thing ſo odious to a free People, that the raiſing of one ſingle Regiment in *Spain*, within theſe ſix years, under colour of being a Guard for the King's Perſon, ſo inflam'd the Nation, that a Rebellion had enſued, if they had not been disbanded ſpeedily. The Nobility and Gentry of that Kingdom looking upon themſelves as their Kings natural Guard, ſcorned that ſo honourable a Name ſhould be given to Mercenaries.

But as His Majeſty was perſwaded to reſolve againſt the expedient propoſed, to ſecure our Peace by excluding the Duke, ſo it is evident, that nothing was intended by thoſe other ways which were darkly and dubiouſly intimated in His Majeſties Speech unto the Parliament at *Oxford*, and repeated in the Declaration; and His Majeſty in his Wiſdom could not but know that they ſignified nothing. And thoſe who ſpake more plainly, in propoſing a Regency as an Expedient, did in publick and private declare, they believed the Duke would not conſent unto it, nor unto any unuſual reſtriction of the Royal Power. So that they could have no other deſign therein, than a plauſible pretence to delude the Parliament and People. Some ſuch conſideration induced them to revive the diſtinction between the King's perſonal and politick capacity, by ſeparating the power from the perſon, which we have reaſon to believe they eſteemed unſeaſable. However, it is more than probable that the *Jeſuites*

suites, *Casuists*, and Popish Lawyers would reject it, as well as any thing else that might preserve us from falling under his power. And the *Pope*, who could absolve King *John*, *Henry* the third and others, from the Oaths they had taken, to preserve the Rights and Liberties of their Subjects, might with the same facility dissolve any that the Duke would take. And as our Histories testifie what bloody Wars were thereby brought upon the Nation, we have reason to believe, that if the like should again happen, it would be more fatal unto us, when Religion is concerned, which was not then in question. Would not his *Confessor* soon convince him, that all Laws made in favour of Heresie are void? And would he not be liable to the heaviest Curses, if he suffered his Power to be used against his Religion? The little regard he hath to Laws whilst a Subject, is enough to instruct us what respect he would bear to them if he should be King. Shall we therefore suffer the Royal Dignity to descend on him, who hath made use of all the Power he has been entrusted with hitherto, for our destruction? And who shall execute this great Trust? The next Heir may be an Infant, or one willing to surrender it into his hands. But should it be otherwise, yet still there is no hope of having any fruit of this Expedient without a War, and to be obliged to swear Allegiance to a Popish Prince, to own his Title, to acknowledge him Supreme Head of the Church, and Defender of the Faith, seems a very strange way of entitling our selves to fight against him.

The two Reasons which the Declaration pretends to give against the Exclusion, are certainly of more force against the Expedient. *A standing Force* would have been absolutely *necessary*, to have plac'd and kept the *Administration in Protestant hands*; *and the Monarchy it self had been destroy'd by a Law*, which was to have taken all sorts of Power from the King, and made him not so much as a Duke of *Venice*. How absurdly and incoherently do these men discourse! Sometimes the Government is so Divine a thing, that no human Law can lessen or take away his Right, who only pretends in Succession, and is at present but a Subject: But at other times they tell us of Acts of Parliament to banish him out of his own Dominions, to deprive him of all Power, of his whole Kingship after he shall be in possession of the Throne. The cheat of this Expedient appear'd so gross in the House of Commons, that one of the Dukes pro-

feſſed Vaſſals, who had a little more Honour than the reſt, was aſham'd of it, and openly renounced the Project which they had been forming ſo long, and thought they had ſo artificially diſguiſed. But though it was ſo well expoſed in the Houſe, yet the Miniſters thought the men without doors might be ſtill deceived, and therefore they do not bluſh to value themſelves again upon it in their Declaration.

As for the Inſinuation which follows, That there was reaſon to believe that *the Parliament would have paſſed further to attempt other great and important Changes at preſent:* If it be meant any Change of the Conſtitution of the Government, 'tis a malicious ſuggeſtion of thoſe men, who are ever inſtilling into His Majeſty's mind ill thoughts of his Parliament, ſince no Vote nor Propoſition in either Houſe could give any ground for ſuch ſuſpicion, and therefore in this matter the people may juſtly accuſe the Court, (who ſo often cry out againſt them for it) of being moved by cauſeleſs Fears and Jealouſies. And for His Majeſty to be perſwaded to arraign the whole Body of his People, upon the ill-grounded ſurmiſes, or malicious and falſe ſuggeſtions of evil and corrupt men about him, doth neither well become the Juſtice of a Prince, nor is agreeable to the meaſures of Wiſdom, which he ſhould Govern Himſelf, as well as Rule his People by. And if an attendance to the ſlandrous Accuſations of perſons, who hate Parliaments, becauſe their Crimes are ſuch that they have reaſon to fear them, govern and ſway his Royal Mind, there can never want grounds for the Diſſolution of any Parliaments. But if they mean *by attempting great and important Changes*, that they would have beſought his Majeſty that the Duke might no longer have the Government in his hands, that his Dependents ſhould no longer preſide in his Councils, no longer poſſeſs all the great Truſts and Offices in the Kingdom; that our Ports, our Garriſons, and our Fleets, ſhould be no longer governed by ſuch as are at his Devotion, that Characters of Honour and Favour ſhould be no longer plac'd on men that the Wiſdom of the Nation hath judged to be Favourers of Popery, or Penſioners of *France*. Theſe were indeed *great and important Changes*, but ſuch as it becomes *Engliſh* men to believe were deſigned by that Parliament; ſuch as will be deſigned and preſt for by every Parliament, and ſuch as the people will ever pray may at laſt find ſucceſs with the King. Without

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theſe *Charges*, the Bill of Excluſion would only provoke, not diſarm our Enemies, nay the very Money which we muſt have paid for it, would have been made uſe of to ſecure and haſten the Dukes return upon us.

We are now come to the Conſideration of that only fault which was peculiar to the Parliament at *Oxford*, and that was their behaviour in Relation to the buſineſs of *Fitz-Harris*. The Declaration ſays, *he was impeached of High-Treaſon by the Commons*, and they had cauſe to think his Treaſons to be of ſuch an extraordinary Nature, that they well deſerved an Examination in Parliament. For *Fitz-Harris*, a known *Iriſh* Papiſt, appear'd by the Informations given in the Houſe, to be made uſe of by ſome very great Perſons to ſet up a counterfeit Proteſtant Conſpiracy, and thereby not only to drown the noiſe of the Popiſh Plot, but to take off the Heads of the moſt eminent of thoſe, who ſtill refuſed to bow their Knees to *Baal*. There had been divers ſuch honeſt Contrivances before, which had unluckily fail'd, but the principal Contrivers avoided the Diſcovery, as the others did the Puniſhment; in what manner, and by what helps, the whole Nation is now pretty ſenſible. Being warned by this experience, they grew more Cautious than ever, and therefore that the Treaſon which they were to ſet on Foot, might look as unlike a Popiſh deſign as was poſſible, they fram'd a Libel full of the moſt bitter Invectives againſt Popery and the Duke of *York*. It carried as much ſeeming zeal for the Proteſtant Religion, as *Coleman's Declaration*, and as much care and concern for our Laws, as the *Penners* of this *Declaration* would ſeem to have. But it was alſo filled with the moſt ſubtil Inſinuations, and the ſharpeſt Expreſſions againſt His Majeſty that could be invented, and with direct and paſſionate Incitements to Rebellion. This Paper was to be conveyed by unknown Meſſengers, to their hands who were to be betray'd, and then they were to be ſeiz-ed upon, and thoſe Libels found about them, were to be a Confirmation of the Truth of a Rebellion, which they had provided Witneſſes to Swear was deſigned by the Proteſtants, and had before prepared Men to believe by private Whiſpers. And the credit of this Plot ſhould no doubt have been ſoon confirmed, by ſpeedy Juſtice done upon the pretended Criminals. But as well laid as this Contrivance ſeem to be, yet it ſpoke it ſelf to be of a Popiſh Extraction. 'Tis a policy the Jeſuits have often uſed,

to divert a ſtorm which was falling upon themſelves. Accordingly heretofore they had prepared both Papers and Witneſſes, to have made the *Puritans* guilty of the Gunpowder Treaſon, had it ſucceeded as they hoped for.

The hainous Nature of the Crime, and the greatneſs of the Perſons ſuppoſed to be concern'd, deſerved an extraordinary Examination, with a Jury, who were only to enquire whether *Fitz-Harris* was guilty of framing that Libel, he could never make; and the Commons believed none but the Parliament was big enough to go through with. They took notice that the Zeal and Courage of inferior Courts was abated, and that the Judges at the Tryal of *Wakeman* and *Gaſcoign* (however it came to paſs) behaved themſelves very unlike the ſame Men they were, when others of the Plotters had been Tryed. They had not forgot another Plot of this Nature diſcovered by *Dangerfield*, which tho plainly proved to the Council, yet was quite ſtifled by the great Diligence of the *Kings Bench*, which rendred him as an incompetent Witneſs. Nor did they only fear the perverſion of Juſtice, but the Miſapplication of Mercy too. For they had ſeen that the Mouths of *Gadbury* and others, as ſoon as they began to confeſs, were ſuddenly ſtopt by a gracious Pardon. And they were more Jealous than ordinary in this caſe, becauſe when *Fitz-Harris* was inclined to Repentance, and had begun a Confeſſion, to the ſurprize of the whole Kingdom, without any viſible cauſe, he was taken out of the lawful Cuſtody of the Sheriffs, and ſhut up a cloſe Priſoner in the *Tower*. The Commons therefore had no other way to be ſecure that the Proſecution ſhould be effectual, the Judgment indifferent, and the Criminal out of all hopes of a Pardon (unleſs by an ingenuous Confeſſion he could engage both Houſes in a powerful Mediation to His Majeſty in his behalf) but by impeaching of him. They were ſure no Pardon could ſtop their Suit, tho the King might releaſe his own Proſecution by his Pardon.

Hitherto the Proceedings of the Commons in this Buſineſs could not be liable to Exception, for that they might lawfully Impeach any Commoner before the Lords, was yet never doubted. The Lords themſelves had agreed that point, when the day before they had ſent down the Plea of Sir *William Scroggs* to an Impeachment of Treaſon, then depending before them.

And

And they are men of ſtrange confidence, who at this time of day take upon them to deny a Juriſdiction of the Lords, which hath been practiſed in all times without controul, and ſuch a fundamental of the Government, that there could be no ſecurity without it. Were it otherwiſe, it would be in the power of the King, by making Commoners Miniſters of State, to ſubvert the Government by their Contrivances when he pleaſed: Their Greatneſs would keep them out of the reach of ordinary Courts of Juſtice, and their Treaſons might not perhaps be within the Statutes, but ſuch as fall under the cognizance of no other Court than the Parliament; and if the People might not of Right demand Juſtice there, they might without fear of puniſhment, act the moſt deſtructive Villanies againſt the Kingdom.

As a Remedy againſt this Evil, the *Mirrour of Juſtice* tells us, that *Parliaments were ordained to hear and determine all Complaints of wrongful Acts, done by the King, Queen, or their Children, and ſuch others againſt whom common Right cannot be had elſewhere.* Which as to the King, is no otherwiſe to be underſtood, than that if he err by Illegal Perſonal Commands or Orders, he is to be admoniſhed by Parliament, and addreſſed unto for Remedy; but all others being but Subjects, are to be puniſhed by Parliaments, according to the Laws of Parliaments. *Cap. 1. Sect. 2. pag. 9.*

If the ends were well conſidered for which Parliaments were ordained, as they are declared in the Statute; *Item for maintenance of the ſaid Artikles and Statutes,* (*viz.* Magna Charta, *&c.*) a Parliament ſhall be holden every year, by them as well as by the foregoing ancient Authority, none could be deceived by the Parliament *Rol.* of 4 *Ed.* 3. where it is mentioned as accorded between the King and his Grands, (that is, his Lords) that Judgment of Death, given by the Peers againſt Sir *Simon de Beresford, Matrever,* and others, upon the Murther of King *Ed.* 2. and his Uncle, ſhould not be drawn into Example, whereby the Peers might be charged to judge others than their Peers, *contrary to the Law of the Land, if ſuch a Caſe ſhould happen.* For whereas from this Record ſome would perſwade us that the Lords are diſcharged from judging Commoners, and that our ancient Government is alter'd in this Caſe by that Record, which they ſay is an Act of Parliament. 36 Ed. 3. 10. Rot. Parl. 4 Ed. 3. Nu. 6.

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The ſtile and form of it is ſo different from that which is uſed in Acts of Parliament, that many are inclined to believe it to be no other thing, than an agreement between the King and the Lords. But to remove all future ſcruples in the Caſe, let it be admitted to be an Act of Parliament, and if there be nothing accorded in it, to acquit the Lords from trying Commoners Impeached before them by the Commons in Parliament, then we hope that ſhame will ſtop their mouths, who have made ſuch a noiſe againſt the Commons with this Record. *Firſt*, It is evident from the Roll it ſelf, with other Records, that the Lords did judg thoſe Commoners contrary to the Law of the Land, that is, at the inſtance of the King, and the Proſecution of their Enemies, without the due courſe of the Law; or calling them to make their Defence, and (for ought appears) without legal Teſtimony. *Secondly*, It is evident, that they were driven upon this illegal Proceeding, by the Power and Authority of the King, and ſome Proſecutors, who earneſtly preſſed the Lords thereunto, upon pretence of ſpeedily avenging the Blood of the former King and his Uncle. So that the Judgment was given at the Kings Suit, in a way not warranted by the Law and Cuſtom of Parliament, or any other Law of the Kingdom. Surely when the Lords blood was ſuffered to cool, they had reaſon to deſire ſomething might be left upon Record, to preſerve them for the future from being put upon ſuch ſhameful Work, tho ſuch a caſe as the Murder of a King ſhould again happen, as it ſeems they did not fear to be preſſed in any other, ſo to violate the Laws. But *Thirdly*, There is not a word in the Record, that imports a reſtriction of that lawful Juriſdiction, which our Conſtitution placeth in the Lords to try Commoners, when their Caſes ſhould come before them lawfully, at the Suit of the Commons by Impeachment. There is no mark of an Intention to change any part of the Ancient Government, but to provide againſt the Violation of it, and that the Law might ſtand as before notwithſtanding the unlawful Judgment they had lately given. So that the queſtion is ſtill the ſame, Whether by the Law of the Land, that is the Law and Cuſtom of Parliament, or any other Law, the Lords ought to try Commoners Impeached by the Commons in Parliament, as if that Record had never been. And we cannot think that any man of Sence, will from that Record make an argument in this point, ſince it could be no

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better than to infer, that becauſe the Lords are no more to be preſſed by the King, or at his Suit, to give Judgment againſt Commoners contrary to the Law of the Land, when they are not Impeached in Parliament, therefore they muſt give no Judgment againſt them at the Suit of the Commons in Parliament, when they are by them Impeached, according to the Laws and Cuſtoms of Parliament. But if ſuch as delight in theſe Cavils had ſearched into all the Records relating unto that of the 4 *Ed.* 3. they might have found in the 19th of the ſame King a Writ iſſued out to ſuſpend the Execution of the Judgment againſt *Matrevers*, becauſe it had been illegally paſſed. And the chief reaſon therein given is, that he had not been Impeached, and ſuffered to make his Defence. But it was never ſuggeſted nor imagined that the Lords that judged him, had no Juriſdiction over him becauſe he was a Commoner, or ought not to have exerciſed it, if he had been Impeached; nor was it pretended that by *Magna Charta* he ought to have been tried only by his Peers; the Laws of the Land therein mentioned, and the Laws and Cuſtoms of Parliaments, being better known and more reverenced in thoſe days, than to give way to ſuch a miſtake. They might alſo have found by another Record of the 26th of the ſame King, that by undoubted Act of Parliament, *Matrevers* was pardon'd, and the Judgment is therein agreed by the Lords and Commons to have been illegal, and unjuſtly paſſed, by the violent Proſecution of his Enemies; but it is not alledged that it was *coram non judice*, as if the Lords might not have judged him, if the proceedings before them had been legal. But as the ſenſe and proceedings of all Parliaments have ever been beſt known by their practice, the Objectors might have found by all the Records ſince the 4 *Ed.* 3. that Commoners as well as Lords might be, and have been, Impeached before Lords, and judged by them to Capital or other Puniſhments, as appears undeniably to every man that hath read our Hiſtories or Records. And verily the concurrent ſenſe and practice of Parliaments for ſo many Ages, will be admitted to be a better interpretation of their own Acts, than the ſenſe that theſe men have lately put upon them to increaſe our Diſorders. But to ſilence the moſt malicious in this point, let the famous Act of the 25 of *Ed.* 3. be conſidered, which hath ever ſince limited all inferior Courts in their Juriſdiction, unto the Trial of

Rot Parl. 19 *Ed.* 3. M. 18.

Rot. Parl. 26 *Ed.* 3. M. 25.

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ſuch Treaſons only as are therein particularly ſpecified, and reſerved all other Treaſons to the Trial and Judgment of Parliament. So that if any ſuch be committed by Commoners, they muſt be ſo Tried, or not at all. And if the laſt ſhould be allowed, it will follow, that the ſame fact which in a Peer is Treaſon, and puniſhable with Death, in a Commoner is no Crime, and ſubject to no puniſhment.

Nor doth *Magna Charta* confine all Trials to common Juries, for it ordains that they ſhould be tried by *the Judgment of Peers, or by the Law of the Land.* And will any man ſay the Law of Parliament is not the Law of the Land? Nor are theſe words in *Magna Charta* ſuperfluous or inſignificant, for then there would be no Trial before the *Conſtable* or *Marſhal*, where there is no Jury at all; there could be no Trial of a Peer of the Realm upon an Appeal of Murther, who according to the Law ought in ſuch caſes to be try'd by a common Jury, and not by his Peers. And ſince the Records of Parliaments are full of Impeachment of Commons, and no inſtance can be given of the rejection of any ſuch Impeachment, it is the Commons who have reaſon to cite *Magna Charta* upon this occaſion, which provides expreſly againſt the denial of Juſtice. And indeed it looks like a denial of Juſtice, when a Court that hath undoubted cognizance of a Cauſe regularly brought before them, ſhall refuſe to hear it: but moſt eſpecially when (as in this caſe) the Proſecutors could not be ſo in any other Court, ſo as a final ſtop was put to their Suit, though the Lords could not judicially know whether any body elſe would proſecute elſewhere.

Co. 2. Inſt. 29.

This Proceeding of the Lords looks the more odly, becauſe they rejected the Cauſe, before they knew as Judges what it was, and *referred it to the ordinary courſe of Law*, without ſtaying to hear whether it were a matter whereof an inferior Court could take cognizance. There are Treaſons which can only be adjudged in Parliament, and if we may collect the ſenſe of the Houſe of Commons from their Debates, they thought there was a mixture of thoſe kind of Treaſons in *Fitz-Harris*'s Caſe. And therefore there was little reaſon for that ſevere ſuggeſtion, *that the Impeachment was only deſigned to delay a Trial*, ſince a compleat Examination of his Crime could be had no where but in Parliament. But it ſeems ſomewhat ſtrange, *that the delaying of a Trial, and that againſt a profeſſed Papiſt charged with Treaſon,*

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ſon, *ſhould be a matter ſo extremely ſenſible*: For might it not be well retorted by the people, That it had been long *a matter extremely ſenſible to them*, that ſo many Prorogations, ſo many Diſſolutions, ſo many other Arts had been uſed to delay the Trials, which his Majeſty had often deſired, and the Parliament prepared for, againſt *Five profeſſed Popiſh Lords charged with Treaſons of an extraordinary nature*. But above all, that it was a matter *extremely ſenſible* to the whole Kingdom, to ſee ſuch Unparliamentary and mean ſollicitations, uſed to promote this pretended Rejection of the Commons Accuſation, as are not fit to be remembred. 'Tis there that the *delay of the Trials is to be laid*; for had the Impeachment been proceeded upon, and the Parliament ſuffered to ſit, *Fitz-Harris* had been long ſince Executed, or deſerved Mercy by a full Diſcovery of the ſecret Authors of theſe malicious Deſigns againſt the King and People. For though the Declaration ſays a *Trial was directed*, yet we are ſure nothing was done in order to it, till above a month after the Diſſolution. And it hath ſince raiſed ſuch Queſtions, as we may venture to ſay were never talk'd of before in *Weſtminſter-Hall*; Queſtions which touch the Judicature of the Lords, and the Privileges of the Commons in ſuch a degree, that they will never be determined by the deciſion of any inferior Court, but will aſſuredly at one time or other have a farther Examination.

We have ſeen now that the Commons did it not without ſome ground, when they Voted *the refuſal of the Lords to proceed upon an Impeachment, to be a denial of Juſtice, and a violation of the Conſtitution of Parliaments*; and the ſecond Vote was but an application of this Opinion to the preſent Caſe. The third Vote made upon that occcaſion was no more than what the King himſelf had allowed, and all the Judges of *England* had agreed to be Law, in the Caſe of the Five Impeached Lords, who were only generally impeached, and the Parliament diſſolved, before any Articles were ſent up againſt them. Yet they had been firſt indicted in an inferior Court, and preparations made for their Trial; but the Judges thought at that time, that a Proſecution of all the Commons was enough to ſtop all Proſecutions of an inferior nature. The Commons had not impeached *Fitz-Harris*, but that they judged his Caſe required ſo publick an Examination; and for any other Court to go about to Try and Condemn him, tho' it ſhould be granted to be for another Crime, is as far as in them lies to ſtifle that Examination.

By this time every man will begin to queſtion, whether *the Lords did Themſelves or the Commons Right, in the refuſing to countenance ſuch a Proceeding?* But one of the Penmen of this Declaration has done Himſelf and the Nation Right, and has diſcovered himſelf by uſing his ordinary phraſe upon this occaſion. The Perſon is well known without naming him, who always tells men they have done themſelves no Right, when he is reſolved to do them none. As for the Commons, nothing was *carried on to extremity by them*, nothing done but what was Parliamentary: They could not deſire a Conference, till they had firſt ſtated their own Caſe, and aſſerted by Votes the matter which they were to maintain at a Conference. And ſo far were thoſe Votes from putting the Two Houſes *beyond a poſſibility of Reconciliation*, that they were made in order to it, and there was no other way to attain it. And ſo far was the Houſe of Commons from thinking themſelves to be out of a capacity of tranſacting with the Lords any farther, that they were preparing to ſend a Meſſage for a Conference to accomodate this Difference, at the very inſtant that the Black Rod called them to their Diſſolution. If every difference in Opinion or Vote ſhould be ſaid to put the Two Houſes *out of capacity of tranſacting buſineſs together*, every Parliament almoſt muſt be diſſolved as ſoon as called. However our Miniſters might know well enough, that *there was no poſſibility of reconciling the Two Houſes*, becauſe they had before reſolved *to put them out of a capacity of tranſacting together, by a ſudden Diſſolution.* But that very thing juſtifies the Commons to the World, who cannot but perceive that there was ſolemn and good ground for them to deſire an enquiry into *Fitz-Harris*'s Treaſon, ſince they who influence our Affairs were ſo ſtartl'd at it, that, in order to prevent it, they firſt promoted this Difference between the Two Houſes, and then broke the Parliament leſt it ſhould be compoſed.

There is another thing which muſt not be paſt over without Obſervation, That the Miniſters in this Paper take upon them to decide this great Diſpute between the Two Houſes, and to give judgment on the ſide of the Lords. We may well demand what perſon is by our Law conſtituted a Judge of their Privileges, or hath Authority to cenſure the Votes of one Houſe, made with reference to matters wherein they were conteſting with the other Houſe, *as the greateſt violation of the Conſtitution of Parliaments?*

liaments? They ought certainly to have excepted the power which is here assumed of giving such a Judgment, and publishing such a Charge, as being not only the highest Violation of the Constitution, but directly tending to the destruction of it.

This was the Case, *and a few days continuance being like to produce a good understanding between the Two Houses*, to the advancing *all those* great and *publick ends*, for which the Nation hop'd they were called, the Ministers *found it* necessary to put an end to that Parliament likewise.

We have followed the Writers of the Declaration through the several parts of it, wherein the House of Commons are Reproached with any particular Miscarriages, and now they come to speak more at large, and to give Caution against two sorts of ill Men. One sort they say, *Are men fond of their old beloved Commonwealth Principles; and others are angry at being disappointed in designs they had for accomplishing their own Ambition and Greatness.* Surely, if they know any such Persons, the only way to have prevented the mischiefs which they pretend to fear from them, had been to have discovered them, and suffered the Parliament to Sit to provide against the Evils they would bring upon the Nation, by prosecuting of them. But if they mean by these lovers of *Commonwealth Principles*, men passionately devoted to the Publick good, and to the common Service of their Country, who believe that Kings were instituted for the good of the People, and Government ordained for the sake of those that are to be governed, and therefore complain or grieve when it is used to contrary ends, every Wise and Honest man will be proud to be ranked in that number. And if *Commonwealth* signifies the common Good, in which sence it hath in all Ages been used by all good Authors, and which *Bodin* puts upon it, when he speaks of the Government of *France*, which he calls a *Republick*, no good man will be asham'd of it. Our own Authors, *The Mirror of Justice*, *Bracton*, *Fleta*, *Fortescue*, and others in former times. And of latter years, Sir *Thomas Smith*, Secretary of State in the Reign of Queen *Elizabeth*, in his Discourses of the Commonwealth of *England*, Sir *Francis Bacon*, *Cook*, and others, take it in the same Sense. And not only divers of our Statutes use the Word, but even King *James* in his first Speech unto the Parliament, acknowledgeth himself to be the *Servant* of the *Commonwealth*; and King *Charles* the I.

both before and in the time of the War, never expreſſeth himſelf otherwiſe. To be *fond* therefore of ſuch *Commonwealth Principles*, becomes every *Engliſhman*; and the whole Kingdom did hope, and were afterwards glad to find, they had ſent ſuch Men to Parliament. But if the Declaration would intimate, that there had been any deſign of ſetting up a *Democratial* Government, in Oppoſition to our legal *Monarchy*, it is a Calumny juſt of a piece with the other things which the penners of this Declaration have vented, in order to the laying upon others the blame of a deſign to overthrow the Government, which only belongs unto themſelves.

It is ſtrange how this *Word*, ſhould ſo change its ſignification, with us in the ſpace of twenty years. All *Monarchies* in the World, that are not purely Barbarous and Tyrannical, have ever been called *Commonwealths*. *Rome* it ſelf altered not that Name, when it fell under the Sword of the *Cæſars*. The proudeſt and cruelleſt of Emperors diſdained it not. And in our days, it doth not only belong to *Venice*, *Genoua*, *Switzerland*, and the *United Provinces* of the *Netherlands*, but to *Germany*, *Spain*, *France*, *Sweden*, *Poland*, and all the Kingdoms of *Europe*. May it not therefore be apprehended that our preſent Miniſters, who have ſo much decried this *Word* ſo well known to our Laws, ſo often uſed by our beſt Writers, and by all our Kings until this day, are Enemies to the thing? And that they who make it a brand of Infamy to be of *Commonwealth Principles*, that is, devoted to the good of the People, do intend no other than the hurt and miſchief of that People? Can they in plainer terms declare their *fondneſs* of their *beloved* Arbitrary Power, and their deſign to ſet it up, by ſubverting our Ancient Legal Monarchy, inſtituted for the benefit of the Commonwealth, than by thus caſting reproach upon thoſe who endeavour to uphold it?

Let the Nation then to whom the Appeal is made, judg who are the men that endeavour to *Poiſon* the People, and who they are who are guilty of deſigning Innovations. *Bracton* tells us, that *poteſtas Regis*, is *poteſtas Legis*: It is from the Law that he hath his Power; it is by the Law that he is King, and for the good of the People by whoſe conſent it is made. The Liberty and welfare of a great Nation, was of too much importance to be ſuffered to depend upon the will of one Man. The beſt and wiſeſt might be tranſported by an exceſs of Power truſted with them; and the experience of all times ſhoweth,

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that Princes, as men, are ſubject to Errors, and might be miſled. Therefore (as far as mans Wit could foreſee) our Conſtitution hath provided by annual Parliaments, 36 *Edw.* 3. cap. 10. that the Commonwealth might receive no hurt; and it is the Parliament, that muſt from time to time correct the miſchiefs which daily creep in upon us. Let us then no longer wonder, when we ſee ſuch frequent Prorogations and Diſſolutions of Parliaments; nor ſtand amazed at this laſt unparallell'd effort of the Miniſters, by this Declaration to render two Parliaments odious unto the people. They well know that Parliaments were ordain'd to prevent ſuch miſchiefs as they deſign'd, and if they were ſuffered to purſue the ends of their Inſtitution, would endeavour to preſerve all things in their due order. To unite the King unto his People, and the hearts of the People unto the King; to keep the Regal Authority within the bounds of Law, and perſwade his Majeſty to direct it to the publick Good, which the Law intends. But as this is repugnant to the introduction of Arbitrary Power and Popery, they who delight in both cannot but hate it, and chooſe rather to bring matters into ſuch a ſtate as may ſuit with their private Intereſts, than ſuffer it to continue in its right Channel. They love to fiſh in troubl'd Waters, and they find all Diſorders profitable unto themſelves. They can flatter the humor of a miſguided Prince, and increaſe their Fortunes by the exceſſes of a waſtful Prodigal; the frenzy of an imperious Woman is eaſily rendred propitious unto them, and they can turn the Zeal of a violent Bigot to their advantage; the Treacheries of falſe Allies agree with their own corruptions; and as they fear nothing ſo much as that the King ſhould return unto his People, and keep all things quiet, they almoſt ever render themſelves ſubſervient to ſuch as would diſturb them. And if theſe two laſt Parliaments, according to their Duty, and the Truſt repoſed in them, have more ſteddily than any other before them perſiſted in the pious and juſt endeavours of eaſing the Nation of any of its Grievances, the Authors of the Declaration found it was their beſt courſe, by falſe colours put upon things, and ſubtil miſrepreſentations of their actings, to delude the People into an abhorrence of their own Repreſentatives; but with what candor and ingenuity they have attempted it, is already ſufficiently made known. And if we look about us, we ſhall find thoſe who deſign a Change on either hand fomenting a miſunderſtanding between the King, his Parliament and People, whilſt perſons who love the legal Monarchy both out of choice and conſcience, are they who deſire the frequent and ſucceſsful meetings of the Great Council of the Nation.

As for the other ſort of peeviſh men, of whom the Declaration gives us warning, *who are angry at the diſappointment of their ambitious Deſigns*,

ſigns; if theſe words are intended to reflect on thoſe men of Honour and Conſcience, who being qualified for the higheſt employments of State, have either left, or refuſed, or been removed from them, becauſe they would not accept or retain them at the price of ſelling their Country, and Enſlaving poſterity: And who are content to Sacrifice their ſafety as well as their intereſt for the publick, and expoſe themſelves to the malice of the men in power, and to the daily Plots, Perjuries, and Subornations of the Papiſts. I ſay, if theſe be the *ambitious men* ſpoken of, the people will have conſideration for what they ſay, and therefore it will be wiſdom, to give ſuch men as theſe no occaſion to ſay, that they intend to *lay aſide the uſe of Parliaments*.

In good earneſt, the behaviour of the Miniſters of late, gives but too juſt occaſion to ſay, that the *uſe of Parliaments is already laid aſide*. For tho His Majeſty has owned in ſo many of His Speeches and Declarations, the great danger of the Kingdom, and the neceſſity of the Aid and Counſel of Parliaments, he hath nevertheleſs been prevailed upon to Diſſolve four in the ſpace of 26 Months, without making proviſion by their advice ſuitable to our dangers or wants. Nor can we hope the Court will ever love any Parliament better, than the firſt of thoſe four, wherein they had ſo dearly purchaſed ſuch a number of faſt Friends; Men who having firſt ſold themſelves, would not ſtick to ſell any thing after. And we may well ſuſpect they mean very ill at Court, when their deſigns ſhock't ſuch a Parliament. For that very *Favourite* Parliament no ſooner began in good earneſt to examine what had been done, and what was doing, but they were ſent away in haſte, and in a fright, though the Miniſters know they loſt thereby a conſtant Revenue of extraordinary Supplies. And are the Miniſters at preſent more innocent, than at that time? The ſame intereſt hath the aſcendant at Court ſtill, and they have heightned the Reſentments of the Nation, by repeated affronts; and can we believe them that they dare ſuffer a Parliament now to Sit?

But we have gain'd at leaſt this one Point by the Declaration, that it is own'd to us, *that Parliaments are the beſt Method, for healing the diſtempers of the Kingdom, and the only means to preſerve the Monarchy in credit both at home and abroad*. Own'd by theſe very men who have ſo maliciouſly rendred many former Parliaments ineffectual, and by this Declaration have done their utmoſt to make thoſe which are to come as fruitleſs, and thereby have confeſſed that they have no concern for *healing the diſtempers of the Kingdom, and preſerving the credit of the Monarchy*; which is in effect to acknowledge themſelves, to be what the Com-

Commons called them, *Enemies to the King and Kingdom.* Nothing can be more true, than that the Kingdom can never recover its *strength and reputation abroad*, or its ancient Peace and Settlement at home, His Majesty can never be relieved from his fears and his domestick wants, nor secure from the Affronts which he daily suffers from abroad, till he resolves not only to *call Parliaments*, but to Hearken to them when they are called. For without that, it is not a Declaration, it is not repeated promises, nay it is not the frequent calling of Parliaments which will convince the world, that the *use of them is not intended to be laid aside.*

However we rejoyce, that his Majesty seems *resolved to have frequent Parliaments*, and hope he will be just to Himself, and us, by continuing constant to this Resolution. Yet we cannot but doubt in some degree, when we remember the Speech made 26 *Jan.* 1679. to both Houses, wherein he told them, that he was *Unalterably of an Opinion, that long intervals of Parliaments were absolutely necessary, for composing and quieting the minds of the People.* Therefore which ought we rather to believe, the *Speech* or the *Declaration?* or which is likely to last longest, a *Resolution* or *an unalterable opinion*, is a matter too Nice for any but Court-Criticks to Decide. The effectual performance of the last part of the promise, will give us assurance of the first. When we see the real fruits of these *utmost endeavours to extirpate Popery out of Parliament*; when we see the D. of *York* no longer first Minister, or rather protector of these Kingdoms, and his Creatures no longer to have the whole direction of Affairs; when we see that Love to our Religion and Laws is no longer a crime at Court; no longer a certain forerunner of being Disgrac'd and Remov'd from all Offices and Employments in their Power; when the word Loyal (which is faithful to the Law,) shall be restored to its old meaning, and no longer signifie one who is for subverting the Laws; When we see the Commissions fill'd with hearty Protestants, and the Laws executed in good earnest against the Papists; the Discoverers of the Plot countenanc'd, or at least heard, and suffered to give their Evidence; the Courts of Justice steady, and not Avowing a Jurisdiction one day, which they disown the next; no more Grand Juries discharg'd, lest they should hear Witnesses; nor Witnesses hurried away, lest they should inform Grand Juries; when we see no more Instruments from Court labouring to raise Jealousies of Protestants at home, and some regard had to Protestants abroad; when we observe somewhat else to be meant by *Governing according to Law*, than barely to put in Execution against Dissenters, the Laws made against Papists; then we shall promise our selves not only *frequent Parliaments*, but all the blessed effects of pursuing Parliamentary Councels, the

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Extirpation of Popery, the Redreſs of Grievances; the flouriſhing of Learning and the *Reſtoring the Monarchy to the Credit, which it ought to have* (but which the Authors of the Declaration confeſs it wants) *both at Home and Abroad. There needs no time to open the Eyes of His Majeſties good Subjects, and their Hearts are ready prepared to meet him in Parliament, in order to perfect all the good Settlement and Peace, wanting in Church and State.*

But whilſt there are ſo many little Emiſſaries imployed to ſow and encreaſe Diviſions in the Nation, as if the Miniſters had a mind to make His Majeſty the Head of a Faction, and joyn himſelf to one Party in the Kingdom, who has a juſt right of Governing all (which *Thuanus lib.* 28. ſays, was the notorious folly, and occaſioned the Deſtruction of his great Grand Mother *Mary* Queen of *Scots*) whilſt we ſee the ſame Differences promoted induſtriouſly by the Court, which *gave the riſe and progreſs to the late troubles*, and which were once thought fit to be buried in an Act of Oblivion. Whilſt we ſee the Popiſh Intereſt ſo plainly Countenanced, which was then done with Caution; when every pretence of Prerogative is ſtrained to the utmoſt Height, when Parliaments are uſed with contempt and indignity, and their judicature, and all their higheſt Priviledges brought in queſtion in Inferior Courts, we have but too good cauſe to believe, that tho every Loyal and Good Man does, yet the Miniſters and Favourites, do but little *conſider the Riſe and Progreſs of the late Troubles*, and have little *deſire or care to preſerve their Country from a Relapſe.* And who as they never yet ſhewed *regard to Religion, Liberty or Property*, ſo they would be little concern'd to ſee the *Monarchy ſhaken off*, if they might eſcape the Vengeance of publick Juſtice, due to them for ſo long a Courſe of pernicious Counſels, and for Crowning all the reſt of their faults by thus Reflecting upon that High Court, before which we do not doubt but we ſhall ſee them one day brought to Judgment.

Thus have we with an *Engliſh* plainneſs, expreſſed our thoughts of the late Parliaments and their Proceedings, as well as of the Court in Relation to them, and hope this Freedom will offend no man. The Miniſters, who may be concern'd through their appealing unto the People, cannot in Juſtice deny unto any one of them the Liberty of weighing the Reaſons which they thought fit to publiſh in Vindication of their Actions. But if it ſhould prove otherwiſe, and theſe few Sheets be thought as weak and full of Errors, as thoſe we endeavour to confute, or be held injurious unto them, we deſire only to know in what we tranſgreſs, and that the Preſs may be open for our Juſtification: Let the People to whom the Appeal is made, judg then between them and us; and let Reaſon and the Law be the Rules, according unto whith the Controverſy may be decided. But if by denying this, they ſhall like Beaſts recur to force; they will thereby acknowledg that they want the Arms which belong to rational Creatures. Whereas if the Liberty of Anſwering be left us, we will give up the Cauſe, and confeſs, that both Reaſon and Law are wanting unto us, if we do not in our Reply ſatisfy all reaſonable and impartial men, that nothing is ſaid by us, but what is juſt and neceſſary, to preſerve the Intereſts of the King and his People. Nor can there be any thing more to the Honour of His Majeſty; than to give the Nations round about us to underſtand, that the King of *England*, doth neither Reign over a Baſe, Servile People, who hearing themſelves Arraign'd and Condemned, dare not ſpeak in their own Defence and Vindication; nor over ſo filly, fooliſh and weak a People, as that ill deſigned, and worſe ſupported Paper might occaſion the World to think, but that there are ſome Perſons in his Dominions, not only of true *Engliſh* Courage, but of greater intellectuals as well as better Morals, than the Adviſers unto, and Penners of the Declaration have manifeſted themſelves to be.

FINIS.